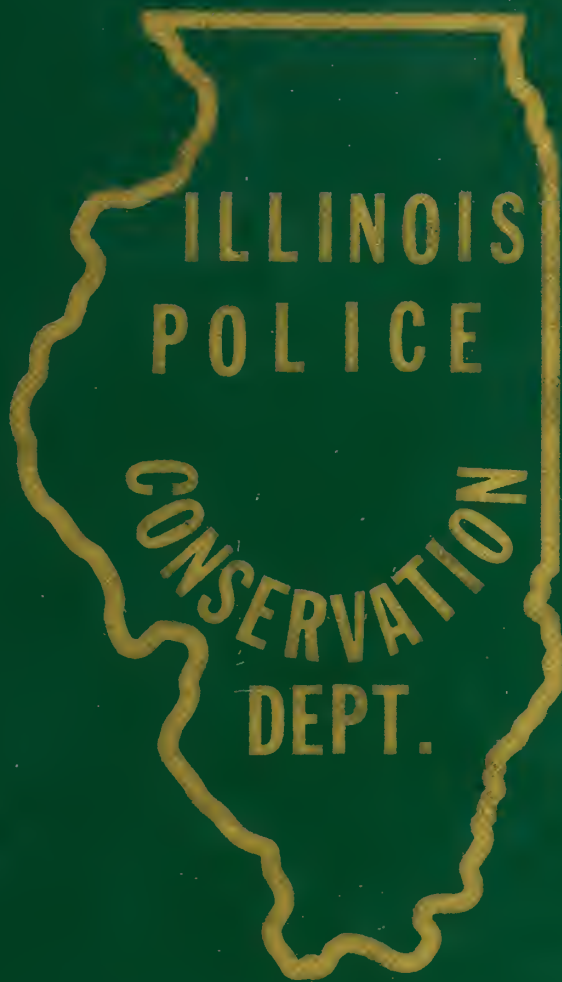




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INTRODUCTION

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Generally, most people rarely come in contact with a Law Enforcement Officer and, when they do, it's usually as a result of an infraction of the law. These laws are commonly viewed as restrictive, depriving the individual of some type of freedom.

Although most people accept the fact that laws are made by our elected representatives, many people are not certain why conservation laws are necessary.

Around the 13th century, much of the land in England and the European continent was owned by Kings and Noblemen, and hunting and fishing were restricted to those persons or their immediate family. These oppressive laws not only caused many people to flee the continental countries and travel to North America, but also caused a revulsion against any restrictions on land use.

As a result, very little conservation of any kind was practiced in our natural resources. The abuses were so flagrant that since the early 1900's almost all municipal, county, state and federal governments established various refuges not only for game, but for people who wish to enjoy the beauty of our natural environment.

Although the abusive trend of squandering our nation's resources was reversed almost too late to save many areas, some people still believe that conservation laws are designed to restrict and harass our fellow citizens who wish to enjoy the outdoors. However, the contrary is true. The philosophy of conservation law enforcement is not to prevent the enjoyment of the outdoors, but to protect our very limited natural resources so that all persons who wish to enjoy them can do so at their leisure. Therefore, bills that are introduced to the General Assembly in Illinois and in other states by our elected representatives are based on the need to conserve, not only for ourselves but for generations to come, the very limited and valuable areas for those who wish to hunt, fish, camp or simply to enjoy the outdoors.

This book contains the conservation laws that can be found in the Illinois Revised Statutes.

☆☆☆

Always secure permission of the landowner or farmer before hunting on his property. Be courteous and respect any special precautions he advises. Take care not to injure or destroy his property or that of any other person. And treat state and federal lands and property as you would like others to treat our own property — after all, you own it.



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AN ACT to revise the law of Illinois in relation to the conserving of wild birds and wild mammals, to provide penalties for violations thereof and further to repeal an Act named herein. P.A. 77-1781, eff. July, 1972.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE I

Authorities and Powers

Section 1.1 Short Title. This Act shall be known and may be cited as the "Game Code of 1971".

Section 1.2 Department Definition of Terms. This Act shall be administered by and under the direction of the Department of Conservation. As used in this Act, unless the context otherwise requires the following words have the following meanings:

"Department" means the Department of Conservation.

"Director" means the Director of the Department of Conservation.

"Administrative order" means an administrative order of the Department issued under Section 1.3 of the Act.

"Person" includes the plural "persons", "females" as well as "males" and shall extend and be applied to clubs, associations, corporations, firms and partnerships as well as individuals.

"Transport" or "ship" means to convey by means of parcel post, express, freight, baggage or shipment by common carrier of any description; or by automobile, motorcycle, or other vehicle of any kind; or by water or aircraft of any kind or by any other means of transportation whatsoever.

"Resident" means a person who in good faith makes application for any license or permit and verifies by statement that he has actually resided in this State at least 30 days consecutively preceding the date of this application and that his residence or permanent abode is, at the time of making application, in this State. Any person on active duty in the Armed Forces shall be considered a resident of Illinois during his or her period of military duty.

"Take" means hunt, shoot, pursue, lure, kill, destroy, capture, gig or spear, trap or ensnare, or to attempt to do so.

"Hunt" means to take any species protected by this Act by any method other than with a trap.

"Game mammals" means the following specific species: cottontail, swamp, and jack rabbit, deer, fox squirrel or gray squirrel and ground hog.

"Fur-bearing mammals" means the following specific species: mink, muskrat, raccoon, skunk, weasel, bobcat, opossum, beaver, otter, badger, red or gray fox, and coyote.

"Contraband" means all wild birds or any part thereof (their nests or eggs), wild mammals or any part thereof, taken, bought, sold or bartered, shipped or had in possession, or any conveyance, vehicle, water craft or other means of transportation whatsoever (except sealed railroad cars or other common carrier) used to transport or ship any part thereof so taken, contrary to any of the provisions hereof or an administrative order of the Department; or any of the previously specified species when taken legally, but transported contrary to any of the provisions of this Act or an administrative order of the Department.

"Green hide" means any hide or pelt which has not been tanned.

"Freshly killed" means any bird or animal not dressed and prepared for consumption.

Employees or agents of any Federal, State or municipal government or body when engaged in investigational work, may by prior written approval of the Director be exempted from the provisions of this Act.

Section 1.3 Seasons, daily bag and possession limits — Biological balance — Investigations. The seasons during which wildlife may be taken and the daily bag limits and the possession limits set out in this Act are based upon a proper biological balance being maintained for each species in each zone and shall remain in effect as long as the population of each species is adequate to maintain the biological balance of each species.

For the purpose of the Section, a biological balance exists for any species of wildlife when all losses to the population of such species, are replaced by natural reproduction or by artificial replacement, replenishment or stocking.

If the Department, after investigation, finds that the number of each sex of any species is not adequate to maintain the biological balance of such species it shall, with the approval of the Conservation Advisory Board, by administrative order, shorten or close the season during which such species may be taken or decrease the daily bag limit or the possession limit for such species.

The season limit, daily bag limit or possession limit established by administrative order may be changed by a subsequent administrative order so that a biological balance for such species is maintained, but the Department may not provide for a longer season, a larger daily bag limit or a larger possession limit than is provided in this Act.

The Department is authorized to establish seasons for the taking of waterfowl within the dates established annually by proclamation of the Secretary, United States Department of the Interior, known as the "Migratory Bird Regulations"; and when the biological balance of any species is affected, the Director may with the approval of the Conservation Advisory Board, by Administrative order,

lengthen, shorten or close the season during which waterfowl may be taken within the Federal limitations prescribed.

The Department may utilize the services of the staff of the Illinois State Natural History Survey Division in the Department of Registration and Education for making investigations as to the population and sex of the various species of wildlife.

Section 1.4 Administrative orders — Filing — Entry as public record — Copy as evidence — Enforcement. The Department shall cause each administrative order to be filed with the Secretary of State and shall furnish a certified copy of each order to the State's Attorney in each county of the State.

Also each such order shall be entered in full and indexed in a book kept for such purpose by the Department, which shall be a public record and open to inspection at all reasonable times during office hours.

A copy of any such order, under the seal of the Department and certified by the Director thereof shall be received in evidence in all courts of this State with the same effect as the original.

Such orders, after becoming effective, shall be enforced in the same manner as are any other provisions of this Act and violators thereof are subject to the penalties set out in Section 3.5 of this Act.

Section 1.5 Cooperation in pollution investigations and reports. The Department is authorized to cooperate with the Environmental Protection Agency of the State of Illinois in making pollution investigations and making reports thereof.

Section 1.6 Propagation and stocking of wild animals and birds. The Department, and persons authorized by it, may take, purchase or propagate, any wild mammals or wild birds, or eggs of such birds for propagation and stocking purposes, and when so taken, may transmit them to parts of the State where a scarcity of such wild birds or wild mammals exists, for the purpose of restocking such parts of the State.

Section 1.7 Distribution of wild animals and birds for propagation purposes. The Department is authorized to produce such wild mammals, wild birds or their eggs, and to distribute them to anyone having suitable land or means for their breeding, hatching or further propagation; the Department shall also have authority to enter into agreements with such distributees for the propagation or purchase of wild mammals, wild birds, (or their eggs), produced by such distributees.

Section 1.8 Refuges or public hunting areas. The Department may establish and maintain refuges or public hunting areas upon any lands or waters owned by the Federal government by mutual consent of the Federal and State governments and upon any lands owned or leased by the State, with the consent and approval of the state department or agency having jurisdiction over such lands.

The Department shall post the boundaries of such refuges and shall publish legal notices in accordance with the procedure set forth in Section 1.13 pertaining to the operation of Public Hunting Areas.

Section 1.9 Acquisition of lands — Purchase, gift and eminent domain — Purposes. The Department shall have the power and authority to select and purchase or lease, receive by donation or acquire, in accordance with the laws relating to eminent domain: (a) suitable lands for the breeding, hatching, propagation and conservation of wild birds or wild mammals, (b) lands or lands and waters, to be used as public hunting and fishing grounds, or (c) lands or lands and waters to be used as wildlife refuges.

Section 1.9-1. State game farms. The following described areas are designated as State game farms:

Wilmington State Game Farm in Will County;
Glen D. Palmer State Game Farm in Kendall County;
Mt. Vernon State Game Farm in Jefferson County.

Section 1.9-2. State game refuges. The following described area is designated as a State game refuge:

Oquawka State Game Refuge in Henderson County.

Section 1.10 Conservation, distribution, introduction and restoration of wild birds and animals — Actions and proceedings — Change of penalties, etc. — Cooperation with federal and state agencies. The Department shall take all measures necessary for the conservation, distribution, introduction and restoration of wild birds and wild mammals. The Department also shall bring or cause to be brought, actions and proceedings, in the name, and by the authority, of the People of the State of Illinois, to enforce the provisions of this Act, including administrative orders, and to recover any and all fines and penalties hereinafter provided for. Nothing in this Act shall be construed to authorize the Department to change any penalty prescribed by law for a violation of its provisions, or to change the amount of licenses, prescribed by law. The Department is authorized to cooperate with the appropriate Departments of the Federal Government and other Departments or agencies of the State government and educational institutions in conducting surveys, experiments, or work of joint interest or benefit.

Section 1.11 Conservation training schools — Dissemination of conservation information — Bulletin or magazine. The Department may establish Conservation Training Schools and employ technicians and such other help as may be necessary for the purpose of teaching conservation methods and hunting safety to employees of the Department, and such other interested groups as the Department shall deem necessary or desirable to carry out the provisions and purposes of this Act.

The Department shall, in order to educate the citizens of this State in the modern trends of conservation and hunting safety, disseminate conservation and hunting information and the provisions of this Act through the mediums of lectures, motion pictures, photographs, pictures, exhibits, radio, news items,

pamphlets and other media the Department may deem suitable for this purpose.

The Department may publish, periodically, a bulletin or magazine containing information concerning the work of the Department, the conservation and propagation of wildlife, hunting and fishing, and any such other information as the Department deems to be of general or special interest to sportsmen and others affected by any law administered by the Department. A reasonable charge may be made for each copy of such publication. All funds derived from the sale of such publication shall be deposited in the Game and Fish fund in the State Treasury.

Section 1.12 Management — Habitat development. The Department shall provide and maintain such management and habitat development on State controlled lands or waters used in propagating or breeding game and other wildlife as the Department shall deem necessary to conform with the most modern conservation methods, and the Department may also cooperate in such management and habitat development with any person propagating or desirous of producing game or other wildlife on privately-owned lands or waters; such cooperation, carried out under suitable agreements entered into with such owners of private lands or waters, may include (a) the furnishing of trees, shrubs, seeds or other materials where deemed necessary or desirable, and (b) labor, equipment and technical supervision to plan and assist the landowner in installing such habitat development.

Section 1.13 Daily and usage stamp — Public hunting grounds — Rules and regulations governing public hunting areas. The Department is authorized to issue a "Public Hunting Grounds for Waterfowl" daily usage stamp at a fee not to exceed \$3.00 for duck hunting areas, and not to exceed \$5.00 for Canada goose hunting areas; and a "Public Hunting Grounds for Pheasants" daily usage stamp not to exceed \$5.00, such stamp to expire at the end of the day of issue. Each person shall obtain such a stamp from the Department to be attached to the permit card assigned to a person under the provisions of the rules and regulations made by the Department for the operation of State Public Hunting Grounds.

The Department is authorized to permit hunters to harvest both male and female hand reared pheasants released on such public hunting grounds.

The Department shall cause an administrative order, setting forth the rules and regulations for the operation of Public Hunting Areas on lands and waters owned or leased by this State. Such orders shall be issued prior to September 15 of each year and shall, upon issuance, be filed with the Secretary of State.

Section 1.14 Employees as peace officers. All authorized employees of the Department shall have the power of, and shall be peace officers in the enforcement of the provisions of this Act, including administrative orders, and may carry such weapons as may be necessary to arrest any person resisting arrest.

Section 1.15 Duties and powers of peace officers. All authorized employees of the Department, duly accredited officers of the U. S. Fish and Wildlife

Service, and all sheriffs, deputy sheriffs, and other peace officers shall arrest any person detected in violation of any of the provisions of this Act, including administrative orders.

All such officers shall make prompt investigation of any violation of the provisions of this Act, including administrative orders, reported by any other person, and cause a complaint to be filed before the Circuit Court having jurisdiction thereof in case there seems just ground for such complaint and evidence procurable to support the same.

Upon the filing of such complaint, such officers shall render assistance in the prosecution of the party against whom complaint is made.

Peace officers, but no employee of the Department, making arrests and serving warrants provided for by this Act shall receive the fees and mileage as provided by law for sheriffs.

Each duly accredited officer and authorized employee of the Department is authorized to execute and serve all warrants and processes issued by any Circuit Court.

Section 1.16 Enforcement by State's attorney. All State's Attorneys shall enforce the provisions of this Act, including administrative orders, in their respective counties, and shall prosecute all persons charged with violating such provisions, when so requested by the Department.

Section 1.17 Venue — Limitations. All prosecutions provided for by this Act shall be brought before the Circuit Court for the county within which the offense was committed.

All such prosecutions shall be commenced within one year from the time the offense charged was committed.

Section 1.18 Remittance of fines. All fines provided for by this Act which are imposed and collected shall be remitted to the Department, within 30 days after the collection thereof, by the Clerk of the Circuit Court collecting such fines, who shall submit at the same time to the Department, a statement of the names of the persons so fined, the name of the arresting officer, the offense committed, the amount of the fine, and the date of conviction.

Section 1.19 Authority to search. All authorized employees of the Department are empowered, without a warrant, to enter all lands and waters and examine all buildings, private or public clubs (except dwellings), fish markets, cold storage houses, locker plants, camps, vessels, cars (except sealed railroad cars or other sealed common carrier), conveyances, vehicles, watercraft or other means of transportation or shipping whatsoever, tents, game bags, game coats or other receptacles, and to open and examine any box, barrel, package, or other receptacle in the possession of a common carrier, which they have reason to believe contains wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, taken, destroyed, bought, sold or bartered, shipped or had in possession contrary to any of the provisions of this Act, including administrative orders, or that the receptacle containing the same is falsely labeled.

All authorized employees of the Department shall be given free access to and shall not be hindered or interfered with in making such examination, and any license issued by the Department held by the person preventing such free access or interfering with or hindering such authorized employee shall be subject to confiscation by the Department; and no license or permit of any kind whatsoever shall be issued to such person for the period of one year thereafter.

Section 1.20 Confiscation — Evidence of illegality. The possession of any wild bird or wild mammal protected under this Act, is prima facie evidence that the same is subject to all the provisions of this Act, including administrative orders, pertaining to the taking, possession and disposition thereof.

Whenever the contents of any box, barrel, package or receptacle consists partly of contraband and partly of legal wild birds or any part thereof (their nests or eggs), wild mammals or any part thereof the entire contents of such box, barrel, package or other receptacle is subject to confiscation.

Whenever a person has in his or her possession in excess of the number of wild birds or wild mammals, or parts thereof, permitted under the provisions of this Act, including administrative orders, the entire number of wild birds or wild mammals, or parts thereof, in his or her possession is subject to confiscation.

Section 1.21 Search warrants. Whenever any authorized employee of the Department, sheriff, deputy sheriff or other peace officer of the State shall have reason to believe that any person, commercial institution, commission house, restaurant or cafe keeper, has in his or her, or its possession any wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, contrary to the provisions of this Act, including administrative orders, he may file, or cause to be filed, his sworn complaint to such effect, before the Circuit Court and procure a search warrant and execute the same. Upon the execution of such search warrant, the officer executing same shall make due return thereof to the court issuing the same, together with an inventory of all the wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, taken thereunder. The court shall thereupon issue process against the party owning, controlling or transporting the wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, seized, and upon the return thereof it shall proceed to determine whether or not the same were held, possessed, or transported in violation of this Act, including administrative orders, and in case of a finding to the effect that the same were illegally held, possessed, transported or sold, a judgment shall be entered against the owner or party found in possession of the same for the costs of the proceeding and providing for the disposition of the property seized, as provided for by the terms hereof.

Section 1.22 Resistance to officers. It shall be unlawful for any person to resist or obstruct any authorized employee of the Department or other peace officer in the discharge of his duties under the provisions hereof.

Section 1.23 False representation. It shall be unlawful for any person to represent himself falsely to be an authorized employee of the Department, or to assume to act as such without having been duly appointed and employed as such.

Section 1.24 Contraband — Definition and disposition. Contraband wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, or fur-bearing mammals or any part thereof seized and confiscated in accordance with the provisions hereof, shall be disposed of as directed by the Department.

Section 1.25 Nuisances — Confiscation and disposition. Every hunting or trapping device, vehicle or conveyance, when used or operated illegally, or attempted to be used or operated illegally by any person in taking, transporting, holding, or conveying any wild bird or wild mammal, contrary to the provisions of this Act, including administrative orders, is a public nuisance and subject to seizure and confiscation by any authorized employee of the Department; upon the seizure of such item the Department shall take and hold the same until disposed of by court order as hereinafter provided.

Upon the seizure of any property as herein provided, the authorized employee of the Department making such seizure shall forthwith cause a complaint to be filed before the Circuit Court and a summons to be issued requiring the person who illegally used or operated or attempted to use or operate such property and the owner and person in possession of such property to appear in court and show cause why the property seized should not be forfeited to the State. In case of failure to serve such summons upon the owner of such seized property, or person in possession of the same at the time of the seizure thereof, notice of the proceeding before the Circuit Court shall be given as required by the statutes of this State in cases of attachment. Upon the return of the summons duly served or other notice as herein provided, the court shall proceed to determine the question of the illegality of the use of the seized property and upon judgment being entered to the effect that such property was illegally used, an order may be entered providing for the forfeiture of such seized property to the Department and shall thereupon become the property of the Department; but the owner of such property may have a jury determine the illegality of its use, and shall have the right of an appeal, or review of a court of appellate jurisdiction. Such confiscation or forfeiture shall not preclude or mitigate against prosecution and assessment of penalties otherwise provided in this Act.

The Department shall pay all costs of notices required by this section.

Section 1.26 Separate offenses. Each wild bird or wild mammal, or any part thereof (including the nests or eggs of wild birds), taken, shipped, offered or received for shipment, transported, bought, sold, or bartered, or had in possession, and each green hide of game mammals or fur-bearing mammals bought, sold, shipped, or had in possession contrary to the provisions of this Act, including administrative orders, and each trap, snare, net or other device, including ferrets, used or attempted to be used, in violation of such provisions constitutes a separate offense.

Section 1.27 Accessories. Any person who purchases, possesses, makes use of, or who aids in or contributes in any way to the taking, transporting or shipping of any wild birds or any parts thereof (their nests or eggs), or wild mammals or any parts thereof, which have been taken or possessed contrary

to any of the provisions of this Act, including administrative orders, is individually liable, as a separate offense under the provisions hereof, for the penalties imposed against the person who took or formerly possessed such wild birds or wild mammals, or parts thereof.

Section 1.28 Game and fish fund. All fees, fines, including bond forfeitures, income of whatsoever kind or nature derived from the lands or waters or both under the jurisdiction or control of the Department, and all penalties collected under this Act shall be deposited in the State Treasury and shall be set apart in a special fund to be known as the "Game and Fish Fund", except that fees derived solely from the sale of salmon stamps shall be deposited in the State Treasury and set apart in the special fund to be known as the "Salmon Fund". Appropriations from the "Game and Fish Fund" shall be made only to the Department for the carrying out of the powers and functions vested by law in the Department, including the purchase of land for fish hatcheries, game refuges, preserves and public shooting and fishing grounds, for the purchase and distribution of wild birds, the eggs of wild birds, and wild animals for rescuing, restoring and distributing fish, for the maintenance of game refuges, or preserves, public shooting grounds, public fishing grounds and fish hatcheries and for the feeding and care of wild birds, wild animals and fish.

Section 1.29 State migratory waterfowl stamp fees — Deposit — Use. All fees collected from the sale of State Migratory Waterfowl Stamps shall be deposited in the Game and Fish Fund. These moneys shall be appropriated to the Department for the following purposes:

(a) 50% for projects approved by the Department for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State; but none of the monies spent within the State shall be used for administrative expenses; and

(b) 50% will be turned over by the Department to appropriate non-profit organizations for the development of waterfowl propagation areas within the Dominion of Canada which specifically provide waterfowl for the Mississippi Flyway; before turning over any funds under the provisions of this subsection, the Department shall obtain evidence that the project is acceptable to the appropriate governmental agency of the Dominion of Canada or of one of its Provinces having jurisdiction over the lands and waters affected by the project, and shall consult those agencies before allocating funds.

ARTICLE II

Game Protective Regulations

Section 2.1 Ownership and title. The ownership of and title to all wild birds and wild mammals within the jurisdiction of the State are hereby declared to be in the State, and no wild birds or wild mammals shall be taken or killed, in any manner or at any time, unless the person or persons so taking or killing the same shall consent that the title thereto shall be and remain in the State for the purpose of regulating the taking, killing, possession, use, sale and transportation thereof, after such taking or killing, as hereinafter set forth. The

taking or killing of wild birds or wild mammals at any time, in any manner, and by any person, shall be deemed a consent on the part of such person that the title to such wild birds or wild mammals shall remain in the State for the purpose of regulating the possession, use, sale and transportation thereof.

Section 2.2 Protected species — Definitions. This Act shall apply only to the wild birds and parts thereof (their nests and eggs), and wild mammals and parts thereof, which shall include their green hides, in the State of Illinois, or which may be brought into the State, which are hereby defined as follows:

All song, insectivorous, or non-game birds including double-crested Cormorants, *Phalacrocorax auritus* (except English sparrow, *Passer domesticus*; European starling, *Sturnus vulgaris*; and Domestic Pigeon, *Columbia livia*); Homing Pigeon, *Columbia livia livia*. **GAME BIRDS** — Ruffed grouse, *Bonasa umbellus*; Sharptailed grouse, *Pediacetes phasianellus*; Bobwhite quail, *Colinus virginianus*; Hungarian partridge, *Perdix perdix*, Chukar partridge, *Alectoris graeca*; Pheasants, (*Phasianus colchicus*); Reeves pheasant, *Syrmaticus reevesii*; Prairie chicken, *Tympanuchus cupido*; Wild turkey, *Meleagris gallopavo*. **MIGRATORY GAME BIRDS** — Waterfowl, including brant, wild ducks, geese, and swans, *Antidae*, *Aythiinae*, *Anserinae*, *Cyaginae*; crows, and jays *Corvidae*; cranes, *Gruidae*; rails, *Rallidae*; avocets and stilts, *Recurvirostridae*; woodcock, snipe, curlews and sandpipers, *Scolopacio*; oystercatchers, *Haematopodidae*; phalaropes, *Phalaropodidae*; gulls, *Harinae*; terns, *Sterinae*; herons, egrets, and bitterns, *Ardeidae*; Pigeons, including doves and wild pigeons, (except domestic pigeons), *Columbidae*. **MAMMALS** — Hares and rabbits, *Leporidae*; Eastern wood rat, *Neotoma floridana illinoensis*; woodchuck or ground hog, *Marmot monax*; Fox squirrel, *Sciurus niger*; White, black or gray or cat squirrel, *Sciurus carolinensis*; flying squirrel, *Glacomys volans*; Whitetail deer, *Odocoileus virginianus*. **FUR-BEARING MAMMALS** — Opossum, *Didelphis marsupialis*; Raccoon, *Procyon lotor*; Mink, *Mustela vison*; Otter, *Lutra canadensis*; Skunk, *Mephitis mephitis*; Weasel, *Mustela erminea*, *Mustela rixosa frenata*, *Mustela frenata*; Muskrat, *Ondatra zibethicus*; Beaver, *Castor canadensis*; Badger, *Taxidea taxus*; Red fox, *Vulpes fulva*; Gray fox, *Urocyon cinereoargenteus*; Bobcat, *Linx rufus*; Coyote, *Canis Latrans*.

It shall be lawful to take any such wild birds and parts thereof (their nests and eggs), and wild mammals and parts thereof, including their green hides, only with such legal devices and in any legal manner as permitted by this Act and the taking of the same with any devices or in any manner which is prohibited by this Act shall be unlawful.

Nothing contained in this Act shall prohibit the Director from issuing permits to qualified individuals of the age of 18 years and upwards, and institutions to take, import and possess hawks, or Falcons, except of the *Falco peregrinus* species, and owls, except barn owls, *Tyto Alba*, for scientific, educational and falconry purposes. The initial fee for such a permit is \$25.00 which shall include the registration fee and identification band which must be attached to each such bird owned by licensee and such permits expire January 31 of each year but may be renewed annually for a fee of \$5.00. The use of falcons and hawks for hunting purposes shall be lawful during the seasons provided for upland game authorized for the use of shotgun and dog, or shotgun or dog.

Daily kill and possession limits as well as hunting hours shall apply to those attempting to take game by use of a falcon or hawk. The regulations for the use, possession and transportation of falcons, hawks and owls shall be made by an administrative order relative to the use, possession and transportation of wild birds and mammals.

Section 2.3 Song, insectivorous or non-game birds. It is unlawful for any person at any time to take, possess, sell or offer for sale, any song, insectivorous, or any non-game bird contrary to the provisions of this Act.

Section 2.4 Eagles, hawks and owls. It is unlawful except as provided in Sections 2.2 and 2.37 of this Act, for any person at any time to take, possess, sell, offer for sale, buy or barter any of the following defined species: Red-tailed hawk, *Buteo jamaicensis*; Red-shouldered hawk, *Buteo lineatus*; Broad-winged Hawk, *Buteo platypterus*; Swainson hawk, *Buteo swainsoni*; Rough-legged hawk, *Buteo lagopus*; Ferruginous Rough-leg, *Buteo regalis*; Marsh hawk, *Circus cyaneus*; Osprey, *Pandion haliaetus*; Goshawk, *Accipiter gentilis*; Cooper's hawk, *Accipiter Cooperii*; sharp-shinned hawk, *Accipiter striatus*; Duck hawk or Peregrine falcon, *Falco peregrinus*; pigeon hawk, *Falco columbarius*; sparrow hawk, *Falco sparverius*; golden eagle, *Aquila chrysaetos*; bald eagle, *Haliaeetus leucocephalus*; all species of owls.

Section 2.5 Zones. For the purpose of this Act the State is hereby divided into two latitudinal zones, as follows: The Southern Zone, consisting of all that part of the State lying south of U.S. Route 36 from the Indiana State line to Springfield, and all of that part of the state lying west of State Route 29 from Springfield north to Pekin and south of State Route 9 from Pekin to the Mississippi River. The Northern Zone, consisting of all other portions of the State.

Game Birds

Section 2.6 Pheasants. It shall be lawful for any licensed persons to take cock pheasants with shotgun or bow and arrow from October 15-January 31st, both inclusive. Dogs may be used in hunting with either shotgun or bow and arrow.

Except as otherwise provided by the Department, it shall be lawful for any person to take not more than three cock pheasants in any one day.

No person shall have more than three cock pheasants (or any parts thereof) in his possession on the opening day of the season, or more than 6 cock pheasants (or any parts thereof) at any time thereafter.

It is unlawful to remove plumage of pheasants in the field or to remove the heads at any time when dressed for storage.

The provisions of this Section are subject to modification in the manner provided by Sections 1.3 and 1.4.

Section 2.7 Bobwhite quail. It shall be lawful for any licensed person to take quail with shotgun and dog, or shotgun or dog, or bow and arrow from October 1st to January 31st, both inclusive.

It shall be lawful for any licensed person to take not more than 10 bobwhite quail in any one day during the season provided by this Act.

It shall be lawful for any person to have not more than 10 bobwhite quail (or any parts thereof), on the opening day of the season and not more than 20 bobwhite quail (or any parts thereof), at any time thereafter.

The provisions of this Section are subject to modification in the manner provided by Sections 1.3 and 1.4 of this Act.

Section 2.8 Ruffed grouse. It is unlawful for any person to take ruffed grouse or sharp-tailed grouse in this State at any time.

Section 2.9 Wild turkey. It shall be lawful for any person to take or possess wild turkey provided that same are taken or possessed in compliance with Sections 2.10 and 2.11 and any administrative orders issued pursuant to the provisions of such Sections.

Section 2.10 Open season for wild turkey. The Department is authorized to establish an open season within the dates of April 1st to May 15th both inclusive, for hunting of wild turkey. The Department shall cause notice of administrative orders setting forth the prescribed rules and regulations, including those counties of the State where an open season is established, to be given in accordance with Sections 1.3 and 1.13 of this Act.

Section 2.11 Wild turkey hunting permit — Residents — Fee. Before any person may lawfully take wild turkey, he shall first obtain a "Wild Turkey Hunting Permit" in accordance with the prescribed regulations set forth in an administrative order of the Department. Wild turkey hunting permits shall be issued only to residents of Illinois possessing a hunting license. The fee for a Wild Turkey Hunting Permit shall not exceed \$5.00.

It shall be lawful to take wild turkey only by use of a bow and arrow or a shotgun of not larger than 10 nor smaller than 20 gauge with shot size not larger than No. 4, and no person while attempting to so take wild turkey may have in this possession any other firearm or side arm.

It shall be lawful to take, or attempt to take wild turkey only during the time from ½ hour before sunrise to 12:00 noon, or during such lesser period of time as may be specified by administrative order, during those days for which an open season is established.

It shall be unlawful for any person to take, or attempt to take, wild turkey by use of dogs, horses, automobiles, aircraft or other vehicles, or conveyances, or by the use of salt or bait of any kind.

It is unlawful for any person to take or have in his possession more than one wild turkey in any one calendar year.

Section 2.12 Prairie chicken. It shall be unlawful for any person to take prairie chicken (pinnated grouse) in this State at any time.

Section 2.13 Hungarian partridge. It shall be lawful for any licensed person to take Hungarian partridge only with shotgun and dog, or shotgun or dog, or

bow and arrow, and then only during the season established for the taking of ringneck pheasant.

It shall be lawful for any such licensed person to take not more than 6 Hungarian partridges in any one day. It shall be lawful for any such licensed person to have in his possession not more than 6 Hungarian partridges (or any parts thereof), on the opening day of the season, and not more than 12 Hungarian partridges (or any parts thereof), at any time thereafter.

Section 2.14 Game birds — Taking — Unlawful methods. It shall be unlawful for any person to take any of the game birds defined by this Act by means of a net, snare, trap or deadfall.

Section 2.15 Nets or traps — Possession. It shall be unlawful for any person to possess at any time any net or trap for the purpose of netting or trapping any of the game birds defined by this Act.

Section 2.16 Sale of game birds. It shall be lawful to sell or barter, or offer to sell or barter, buy or barter, or offer to buy or barter any of the game birds defined in this Act, whether taken in this State or in some other state and imported into Illinois, only as provided in Sections 3.23, 3.24, and 3.27 of this Act.

Section 2.17 Sale defined. The term “sale” shall include serving the same as a part of a meal by any restaurant, hotel, boarding house, or eating house keeper, and proof of any such upland game birds having been served shall constitute prima facie evidence that such birds were also served in violation of this Act, except as provided in Sections 3.23 and 3.24.

Migratory Game Birds

Section 2.18 Migratory game birds. It shall be lawful to take, possess, transport or use migratory game birds only during such periods of time, and only in such manner and numbers, as may be permitted pursuant to the Federal “Migratory Bird Treaty Act”, and the “Migratory Bird Hunting Stamp Act”, and further as permitted by this Act and State regulations made pursuant to this Act. The Director shall give due notice of any regulations, or any administrative order, issued pursuant to said “Migratory Bird Treaty Act” and observe the provisions thereof in the enforcement of this Act.

Section 2.19 Floating blind. It shall be lawful to use a floating blind for the taking of migratory waterfowl, as permitted by this Act, only if such blind is anchored in a stationary position when in use. This does not prohibit the use of a scull boat in taking migratory waterfowl on the Illinois and Mississippi Rivers except that use of a scull boat in taking migratory waterfowl is prohibited in designated refuges on the Illinois and Mississippi Rivers. A scull boat is defined as a boat propelled by means of an oar fixed in a notch in the transom of a boat and worked in a turning or sculling motion.

On any day that migratory waterfowl may be taken, the opening and closing times for taking waterfowl shall be in accordance with the Illinois Standard Shooting Timetable as prescribed by administrative order.

Section 2.20 Public hunting grounds — Compliance with rules and regulations. It shall be lawful to take waterfowl or any species of wildlife in any area referred to in Section 1.13 of this Act only if the same are taken in compliance with the rules and regulations established by the Department of which notice is given in accordance with that section.

Section 2.21 Taking wild geese — Migratory waterfowl Hunting Area — Guides. On any property operated under a Migratory Waterfowl Hunting Area Permit where the primary use is to take wild geese it is unlawful: (a) for any person to take wild geese except from a blind or pit; (b) for any person to establish or use any blind or pit for the taking of wild geese within 200 yards of any other blind or pit or within 100 yards of the boundary of the property on which the blind or pit is located; (c) for any person to establish or use any blind or pit for the taking of wild geese within 200 yards of any refuge boundary or public road right-of-way adjacent to any State or Federal waterfowl refuge; (d) for more than 2 persons, but not including any employee of a licensed Wild Goose Hunting Area who accompanies guests on such area as a guide, to occupy any single blind or pit at the same time. Each employee of a licensed club desiring to serve as a guide shall register with the Department. The Department may issue one guide identification card for each two pits or blinds or pits thereof for each licensed area but not to exceed ten guide identification cards per licensed area; (e) for any person to take or attempt to take in Alexander, Union, Jackson and Williamson Counties wild geese except between the opening hour as stated in the Standard Shooting Timetable and the hour of 3:00 p.m. Central Standard Time during the open season, or during such lesser period of time as may be specified by administrative order.

All property operated as a migratory waterfowl hunting area under a single permit must be contiguous.

Section 2.22 Taking wild geese — Certain counties. On any property where wild geese are taken, other than licensed Wild Goose Hunting Areas, in the Counties of Union, Alexander, Jackson and Williamson, it is unlawful: (a) for any person to take wild geese except from a blind or pit; (b) for any person to establish or use a blind or pit within 100 yards of the boundary of the property on which the blind or pit is located, provided, however, that where the minimum yardage requirement cannot be met, one pit or blind may be permitted; (c) for any person to establish or use a blind or pit for the taking of wild geese within 200 yards of any refuge boundary or public road right-of-way adjacent to any State or Federal waterfowl refuge; (d) for more than 3 persons to occupy or attempt to take wild geese from any blind or pit at the same time; (e) for any person to take or attempt to take in Alexander, Union, Jackson and Williamson Counties wild geese between sunrise and the hours of 3:00 p.m. Central Standard Time during the open season or during such lesser period of time as may be specified by administrative order.

Section 2.23 Taking wildlife on Horseshoe Lake Wildlife Refuge and adjacent areas. It is unlawful for any person to take any species of wildlife protected by this Act on the Horseshoe Lake Waterfowl Management Area, and those areas adjacent within the tract of land hereinafter described, except managed deer hunting under Department supervision: Beginning at the intersection of State Highway No. 3 and the Olive Branch Miller City Road,

thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning, at Olive Branch.

Game and Fur-Bearing Animals

Section 2.24 Deer. It shall be lawful to take or possess deer in this State only in compliance with the provisions of Sections 2.25, 2.26, and 3.23 and administrative orders issued under the provisions of such sections.

Section 2.25 Open season for deer — Rules and regulations. The Department is authorized to establish open seasons within the dates of October 1st to December 31st, both inclusive, for bow hunting of deer and to establish open seasons within the dates of November 1st to December 31st, both inclusive, for gun hunting of deer, but there shall not be a total of more than 10 days of gun hunting of deer authorized by the Department. The Department shall cause an administrative order setting forth the prescribed rules and regulations, including those counties of the State where open seasons are established, to be published in accordance with Sections 1.3 and 1.13 of this Act.

The Department is authorized to establish a separate harvest period within the Union County and Horseshoe Lake State Waterfowl Management Areas and any National Wildlife Refuge for the purpose of harvesting surplus deer that cannot be taken during the regular season provided for the taking of deer. This season shall be restricted to gun hunting only and shall be established during the period of December 1st to January 31st, both inclusive, and shall not exceed 10 days annually. The Department shall publish suitable prescribed rules and regulations established by administrative order pertaining to management restrictions applicable to this special harvest program.

Section 2.26 Deer hunting permit. Before any person may take deer he shall first obtain a “Deer Hunting Permit” in accordance with the prescribed regulations set forth in an administrative order of the Department. Deer hunting permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed \$5. The following persons, upon application to the Department, shall be issued a deer hunting permit without payment of the fee stated herein: (a) the owner and members of the immediate family residing on farm land; or (b) the bona fide tenant of farm land and members of the immediate family residing on the farm land.

The deer hunting permit issued without fee shall be effective only as to the farm lands upon which the person to whom it is issued resides.

It shall be lawful for the holder of a deer hunting permit, during open seasons, to take or attempt to take deer by use of gun provided that such gun is a shotgun of not larger than 10 nor smaller than 20 gauge loaded with rifled slugs, or is a muzzle loading rifle. The standards and specifications for use of

such guns shall be established by administrative order and they shall be used subject to regulations established for the use of a shotgun.

No person may have in his possession any other firearm or sidearm when taking deer by the use of either a shotgun, bow and arrow or muzzle loading rifle.

Persons having a deer hunting permit shall be permitted to take deer only during the hours of 6:30 a.m. to 4:00 p.m., Central Standard Time, and only during those days for which an open season is established for the taking of deer by use of shotgun or muzzle loading rifle.

It shall be lawful for a person having a deer hunting permit for bow and arrow to take deer only during the period from ½ hour before sunrise to ½ hour before sunset Central Standard Time, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

It is unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use of salt or bait of any kind.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State.

Whenever any person attempts to or takes deer by the use of a shotgun or muzzle loading rifle, he shall wear, when in the field, a cap and an upper outer garment of a solid and vivid color and these articles of clothing shall display a minimum total of not less than 400 square inches of material. This clothing requirement applies to both hunters and non-hunters that may be in a hunting party in the field.

Beginning January 1, 1976, those persons who attempt to or take deer shall be required to wear articles of clothing of a solid and vivid hunter blaze-orange color.

The bag, possession limit and clothing requirement shall be established by administrative order.

It is unlawful for any person having taken his limit of deer to further participate, with gun or bow and arrow, in any hunting party for the purposes of taking additional deer.

The Department, with the approval of the Conservation Advisory Board, shall announce by administrative order the counties that are to be open for deer hunting only where it is not feasible to attempt to hunt upland game during the prescribed seasons set forth. In those counties where upland game hunting is permitted during the period of the deer season, the Department shall require the use of a vivid colored cap or upper garment, or establish whatever other measures necessary to accomplish a high degree of hunting safety. Beginning January 1, 1976, during deer hunting season the upland game hunter will be required to wear the same hunting clothing as required for the deer hunter during the deer season.

Section 2.27 Rabbits. Cottontail, jack and swamp rabbits may be taken in this State only with gun and dog, gun or dog, or bow and arrow and then only from October 1st to January 31st, both inclusive.

It shall be lawful for a licensed person to take not more than 5 rabbits in any one day.

No person shall have more than 5 rabbits (or any parts thereof) in his possession on the opening day of the season, nor more than 10 rabbits (or any parts thereof) at any time thereafter.

The provisions of this Section are subject to modification in the manner provided by Sections 1.3 and 1.4 of this Act.

Section 2.28 Squirrels. It is unlawful for any person to take white squirrels in this State at any time. Licensed persons may take black, fox, or gray squirrels in this State, only with gun and dog, gun or dog, or bow and arrow, and then only from June 1st to December 15th, both inclusive.

It shall be lawful for a licensed person to take not more than 5 squirrels, of the type described in this Section, in any one day.

No person shall have more than 5 squirrels (or parts thereof) in his possession on the opening day of the season, or more than 10 squirrels (or any parts thereof) at any time thereafter.

The provisions of this Section are subject to modification in the manner provided by Sections 1.3 and 1.4 of this Act.

Section 2.29 Game birds — Sale. (a) It shall be lawful to sell or barter, or offer to sell or barter, buy or barter, or offer to buy or barter, any of the game mammals defined by this Act, whether taken in this State or in some other state and imported into this State, only as provided under Sections 3.23 and 3.24 of this Act which pertain to the sale of game propagated in captivity. (b) The term "sale" shall include serving the same as a part of a meal by any restaurant, hotel, boarding house or eating house keeper, and proof that any such game mammals having been served shall constitute prima facie evidence that such game was also served in violation of this Act, except as provided in Sections 3.23 and 3.24.

Section 2.30 Fur-bearing animals. It shall be lawful to take raccoon, weasel, mink, opossum and muskrat only during the period from 12:00 noon, November 1, to 12:00 noon, February 15, both inclusive.

It is unlawful for any person to take bobcat, badger or otter in this State at any time.

It is unlawful to pursue any fur-bearing mammal with a dog or dogs during the ten-day period preceding the opening date of the fur-bearing mammal season and the ten-day period following the closing date of the fur-bearing mammal season.

Beaver, mink or muskrat shall be taken only during the open season provided, and then, only with spring traps.

It shall be lawful to trap or attempt to trap, raccoon only during the period from 12:00 noon, November 1 to 12:00 noon, February 15, both inclusive with spring traps only.

Red or gray fox or skunk may be taken by hunting methods at any time permitted by administrative order but may be trapped only during the period from 12:00 noon, November 1 to 12:00 noon, February 15, both inclusive.

Coyote may be taken by hunting or trapping methods only during the period from September 1 to March 1, both inclusive.

It shall be lawful to take, or attempt to take, beaver only during the period from 12:00 noon, November 1 to 12:00 noon, March 31, both inclusive with spring traps only, minimum jaw spread 8 inches.

All persons in the field for the purpose of trapping in those counties for which an open season is established for the taking of deer by shotgun shall wear a cap and upper outer garment of a solid and vivid color.

The provisions of this Section are subject to modification in the manner provided by Sections 1.3 and 1.4.

Section 2.31 Hunting or trapping on highways. It shall be unlawful for any person to take or attempt to take wild birds or wild mammals along, upon, across, or from any public right-of-way or highway in this State.

Section 2.32 Molesting or destroying dens. It shall be unlawful for any person at any time to molest, destroy or attempt to destroy any nest, den, house or other cavity of any of the wild mammals protected by this Act.

Section 2.33 Mechanical devices — Illegal methods.

- (a) It is unlawful to carry or possess any firearms in any State refuge established in accordance with this Act;
- (b) It is unlawful to use any snare or snare-like device to take any wild birds or mammals protected by this Act;
- (c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device or to use smoke or other gases to dislodge or remove such mammal;
- (d) it is unlawful to use a ferret, or with or by means of or by the use of any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places;
- (e) It is unlawful to use any recording or electronic calling device to attract or attempt to attract, or to take or attempt to take, any of the wild game mammals, wild game birds or fur-bearing mammals protected by this Act between sunset and sunrise;
- (f) It is unlawful to use spears or any like device to take any wild game protected by this Act;
- (g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any wild game protected by this Act;
- (h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning;

- (i) It is unlawful to take, pursue, harass or disturb in any manner any wild birds or mammals by use or aid of any automobile, vehicle, or conveyance, any type of watercraft, aircraft or any kind of machine propelled by mechanical power, or by the use of lights thereof, or any light used from such vehicle or watercraft or to have in possession or under control any light used to shine on any species protected by this Act while in the possession of firearms or bow and arrow, except that skunk, opossum, red or gray fox and raccoon may be taken during the open season by use of a small hand operated light by a person not in any vehicle or watercraft propelled by mechanical power;
- (j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act;
- (k) It is unlawful to use or have in possession any shotgun load with a shot size larger than BB when taking or attempting to take any species of wild game mammals, wild game birds, wild fur-bearing mammals, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for in Section 2.26;
- (l) It is unlawful to take any species of wild game, except white-tailed deer, with a shotgun loaded with rifled slugs;
- (m) It is unlawful to use any shotgun capable of firing more than 3 consecutive shots. If the shotgun is capable of firing more than 3 consecutive shots, it may be fitted with a one piece irremovable plug or otherwise altered to render it incapable of firing more than 3 consecutive shots;
- (n) It is unlawful for any person, except persons permitted by law, to have or carry any shotgun, rifle, pistol, revolver or airgun in or on any vehicle, conveyance or aircraft, unless such shotgun, rifle, pistol, revolver or airgun is unloaded and enclosed in a case or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case;
- (o) It is unlawful to use any crossbow for the purpose of taking any wild birds or mammals;
- (p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver or airgun;
- (q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters;
- (r) It is unlawful to discharge any firearm along, upon, across, or from any public right-of-way or highway in this State;
- (s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun;
- (t) It is unlawful for any person to trap or hunt with gun or dog, or bow and arrow, or allow a dog to hunt within or upon the land of another, or upon waters flowing over or standing on the land of another, except after first obtaining permission from the owner or tenant;
- (u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog or bow

and arrow, or allow a dog to hunt, within 200 yards of a dwelling without first obtaining permission from the owner or tenant;

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move to disturb in any manner, the steel traps owned by another person without written authorization of owner to do so;

(v) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer;

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon;

(y) It is unlawful to hunt wild game protected by this Act, except fur-bearing mammals, between sunset and sunrise;

(z) It is unlawful to take any game bird, migratory game birds or migratory waterfowl protected by this Act when not flying, except crippled birds otherwise irretrievable;

(aa) It is unlawful to use or have in possession any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals;

(bb) It is unlawful to use or have in possession any spade or digging device when attempting to take any of the species protected by this Act;

(cc) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into or possess in this State, any species of wildlife taken outside of this State without obtaining permission to do so from the Director;

(dd) It is unlawful for any person to have in their possession any freshly killed species protected by this Act during the season closed for taking;

(ee) It is unlawful to take any species protected by this Act and retain it alive;

(ff) It is unlawful to take or attempt to take any species protected by this Act with a rifle of any type during the open season for the hunting of deer with gun.

This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries may be possessed within the State, except as provided in this Section, Section 2.35, 2.36 and 3.21.

Nothing contained in this Section shall prohibit the use of bow and arrow.

Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or persons physically unable to walk, to shoot or hunt from a standing vehicle, provided that such is otherwise in accord with this Act.

Nothing construed in this Act shall prohibit the taking of birds and mammals protected by this Act, except deer, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than BB may be used.

Section 2.34 Dog training — Field trial permits. (a) It shall be lawful to train dogs of any breed the year around in accordance with the provisions of this Act. (b) During the periods of time when it is unlawful to take wild mammals and wild birds protected by this Act, the only firearms which shall be used in the training of dogs shall be pistols with blank cartridges. All organized field trials or training grounds approved by the Department shall be exempt from this provision. (c) No field trial shall be held without a permit from the Department. (d) The Department is authorized to designate dog training areas and to grant permits for all field trials including those field trials where game birds reared under Section 3.23 are released and taken in accordance with the rules and regulations set forth by the Department. Applications for permits for such trials and training areas shall be accompanied by detailed information as to the date, location of the grounds where such trial area or training grounds is located and the consent of the landowner in writing shall accompany the request for permit. (e) All permits for designated dog training areas shall expire March 31st of each year. (f) Permit holders for designated dog training areas must possess a wild game breeder's permit and may utilize live bird recall devices on such areas. (g) Nothing shall prevent an individual from using a dog in the taking of squirrel during the open season. (h) All hand reared game released and shot at field trials shall be properly identified with tags as provided for by this Act and such birds shall be banded by the conservation officer in attendance at such trial.

Section 2.35 Possession — Time limit. (a) Migratory game birds, or any part or parts thereof, may be possessed only in accordance with the regulations of the Federal Government. (b) Except as provided in Sections 3.23, 3.27, 3.28 and 3.30 it is unlawful to possess wild game birds or wild game mammals after September 1st following the open season during which they were taken. (c) Except as provided in Sections 3.11, 3.12, 3.15, 3.17, 3.18 and 3.25, it is unlawful to have in possession fur-bearing mammals, or any part thereof, during the period within which it is unlawful to take such fur-bearing mammals in the State where taken, except during the open season provided and for an additional 10 days next succeeding such open season. (d) Failure to establish proof of the legality of the possession in another state or country and of importation into the State of Illinois, shall be prima facie evidence that migratory game birds and game birds or any parts thereof, and game mammals and fur-bearing mammals or any parts thereof, were taken within the State of Illinois.

Section 2.36 Sale and commercial possession. It shall be lawful to buy, sell or barter, or offer to buy, sell or barter, and for a commercial institution, other than a regularly operated refrigerated storage establishment, to have in its possession any of the wild birds, or any part thereof (and their eggs), or wild mammals or any parts thereof, protected by this Act only when such is done as hereinafter provided:

Game birds or any parts thereof (and their eggs), may be held, possessed, raised and sold, or otherwise dealt with, as provided in Section 3.23 of this Act or when legally produced under similar special permit in another state or country and legally transported into the State of Illinois; provided that such imported game birds or any parts thereof, shall be marked with permanent

irremovable tags, or similar devices, to establish and retain their origin and identity;

Rabbits may be legally taken and possessed as provided in Sections 3.23 and 3.24 of this Act;

Deer, or any parts thereof, may be held, possessed, sold or otherwise dealt with as provided in Sections 3.23 and 3.24 of this Act or when legally taken, possessed in and transported from other states or countries;

Fur-bearing mammals, or any parts thereof, may be held, possessed, sold or otherwise dealt with as provided in Sections 3.16 and 3.24 of this Act or when legally taken, possessed in and transported from other states or countries;

The green hides of game mammals may be held, possessed, sold or otherwise dealt with when legally taken, possessed in and transported from other states or countries.

Failure to establish proof of the legality of possession in another state or country and importation into the State of Illinois, shall be prima facie evidence that such game birds or any parts thereof, and their eggs, game mammals and fur-bearing mammals, or any parts thereof, were taken within the State of Illinois.

Section 2.37 Authority to kill wild game responsible for property loss. The owners and tenants of lands may destroy any wild bird or wild mammal, other than a game bird or migratory game bird, when such wild bird or wild mammal is destroying property upon his or her land by obtaining written permission from the Department.

Upon receipt by the Department of information from the owner, tenant or sharecropper that any one or more species of wildlife, other than a game bird or migratory bird, is damaging dams, levees, ditches or other property on the land on which he resides or controls, together with a statement regarding location of the property damages, the nature and extent of the damage and the particular species of wildlife committing the damage, the Department shall make an investigation.

If, after investigation, the Department finds such damage to exist and can be abated only by removing or destroying such wildlife, a permit shall be issued by the Department to destroy any or all wildlife causing such damage.

A permit to control such damage shall be for a period of 90 days, shall specify the means and methods by which and the person or persons by whom the wildlife may be removed or destroyed and shall set forth the disposition procedure to be made of all wildlife taken, and such other restrictions as the Director deems necessary and appropriate in the circumstances of the particular case.

Upon expiration of each permit the permittee shall advise the Department in writing of the number of individual species of wildlife taken, disposition made of same, and any other information which the Department may consider necessary.

Section 2.38 Falsification or misrepresentation. No person shall at any time falsify, alter or change in any manner, or loan or transfer to another, any license, permit or tag issued under the provisions hereof or falsify any record required by this Act; or counterfeit any form of license, permit or tag provided for by this Act.

ARTICLE III

Licenses and Permits

Section 3.1 Hunting licenses — Exemptions. Before any person shall take or attempt to take any of the species protected by Section 2.2 for which an open season is established under this Act, he shall first have procured a hunting license.

Before any person 16 years of age or older shall take or attempt to take any bird of the species defined as migratory waterfowl by Section 2.2, he shall first have procured a State Migratory Waterfowl Stamp.

A hunting license shall not be issued to any person under the age of 16 years without the written consent of the father, mother or legally constituted guardian of such person.

Before any person who is a non-resident of the State of Illinois shall take or attempt to take any of the species protected by Section 2.2, for which an open season is established under this Act, he shall first procure a non-resident license as provided by this Act for the taking of any wild game.

The owners residing on, or bona fide tenants of, farm lands and their children actually residing on such lands, shall have the right to hunt any of the species protected by Section 2.2, upon such lands and waters thereon, without procuring hunting licenses; but such hunting shall be done only during such periods of time and with such devices and by such methods as are permitted by this Act. Any person on active duty with the Armed Forces of the United States who is now and who was at the time of entering the Armed Forces, a resident of Illinois and who entered such Armed Forces from this State, and who is presently on ordinary leave from the Armed Forces, and any person who is disabled, or 65 years of age or more, may hunt any of the species protected by Section 2.2 without procuring a hunting license, but such hunting shall be done only during such periods of time and with such devices and by such methods as are permitted by this Act. For the purpose of this Section a person is disabled when he has a physical impairment, disease or loss, except for blindness or mental impairment, which is of a permanent nature and which substantially impairs his ability to perform labor or services or to engage in useful occupations for which he is qualified.

A courtesy non-resident license for taking game may be issued at the discretion of the Director, without fee, to any person officially employed in the game and fish or conservation department of another state or of the United States who is within the State to assist or consult or cooperate with the Director; or to the officials of other states, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the State as guests of the Governor or Director.

State Migratory Waterfowl Stamps shall be required for the same persons who intend to hunt migratory waterfowl and under the same conditions as hunting licenses of the various types authorized and required by this Section.

Section 3.2 Application for hunting license — Agents — Fees — Non-residents — License holders — Possession of license or permit. Before the Department or any county, city, village, township, incorporated town clerk or his duly designated agent or any other person authorized or designated by the Department to issue hunting licenses and State Migratory Waterfowl Stamps shall issue a hunting license or waterfowl stamp to any person, such person shall file his application with the Department or other party authorized to issue licenses and stamps on a form provided by the Department and further give definite proof of identity and place of legal residence. Each clerk designating agents to issue licenses and stamps shall furnish the Department, within 10 days following the appointment, the names and mailing addresses of such agents. Such clerk or his duly designated agent shall be authorized to sell licenses and stamps only within the territorial area for which he was elected or appointed. No duly designated agent is authorized to furnish licenses or stamps for issuance by any other person or business establishment. Such application shall be executed and sworn to and shall set forth the name and description of the applicant and place of residence.

Beginning July 1, 1976, no hunting license shall be issued to any person under 16 years of age unless he presents the person authorized to issue such license either (a) evidence that he has held a hunting license issued by the State of Illinois or another state in a prior year, or (b) a certificate of competency as provided in this Section.

The Department of Conservation shall authorize personnel of their Department or certified volunteer instructors to conduct courses in firearms and hunter safety, which may include training in bow and arrow safety, at regularly specified intervals throughout the State of not less than 8 hours in length. Persons successfully completing the course shall receive a certificate of competency. The Department of Conservation shall further cooperate with any reputable association or organization in establishing such courses if the organization has as one of its objectives the promotion of safety in the handling of firearms or bow and arrow.

The Department of Conservation may designate any person found by it to be competent to give instruction in the handling of firearms, hunter safety and bow and arrow. The persons so appointed shall give such course of instruction and upon the successful completion thereof shall issue to the person instructed a certificate of competency in the safe handling of firearms, hunter safety and bow and arrow. No charge shall be made for such course of instruction except for materials or ammunition consumed. The Department of Conservation shall furnish information on the requirements of hunter safety education programs to be distributed free of charge to applicants for hunting licenses by the persons appointed and authorized to issue such licenses. Funds for the conducting of firearms and hunter safety courses shall be taken from the fee charged for the Firearm Owners Identification Card.

The fee for a hunting license to hunt all species for a resident of Illinois is \$3.

Upon submitting suitable evidence of legal residence in any other state, non-residents shall be charged the same fee for a hunting license to hunt as that charged residents of Illinois by the State in which the applicant resides, except that in no case shall such fee be less than \$15 and if the state of the applicant's residence does not provide for a non-resident hunting license to hunt all species, then the fee shall be the minimum provided for in this paragraph. The license fee for a person not a resident of the United States to take wildlife except deer is \$15.

Upon submitting suitable evidence of legal residence in any other state, non-residents may be issued a non-resident hunting license for a period not to exceed 10 consecutive days' hunting in the state and shall be charged a fee of \$10; however, no such license shall be issued to non-residents from states that do not extend the same privilege to residents of Illinois.

A special non-resident hunting license authorizing a non-resident to take game birds by shooting on a game breeding and shooting preserve area only, established under Section 3.27, shall be issued upon proper application being made and payment of a fee of \$5. The expiration date of this license shall be March 31 of each year.

Each applicant for a State Migratory Waterfowl Stamp, regardless of his residence or other condition, shall file forms provided by the Department together with a fee of \$5, and shall receive therefor a stamp, which shall be affixed to his license or permit in a space designated by the Department for that purpose.

The Department shall furnish the holders of hunting licenses and Migratory Waterfowl Stamps with such insignia as evidence of possession of license or license and stamp, as the Department may consider advisable, and such insignia shall be exhibited and used as the Department may order.

All other hunting licenses and all migratory waterfowl stamps shall expire upon March 31 of each year.

Every person holding any license or permit or stamp issued under the provisions hereof shall have it in his possession for immediate presentation for inspection to the officers and authorized employees of the Department, any sheriff, deputy sheriff or any other peace officer making demand for same.

Section 3.3 Trapping license. Before any person shall trap any of the fur-bearing mammals protected by this Act, for which an open season has been established, he shall first procure a trapping license from the Department to do so. No traps shall be placed in the field, set or unset, prior to the opening day of the trapping season.

Traps used in the taking of fur-bearing mammals shall be marked or tagged with metal tags or inscribed in lettering giving the name and address of the owner, and absence of such mark or tag shall be prima facie evidence that such trap or traps are illegally used and the trap or traps shall be confiscated and disposed of as directed by the Department.

Before a license shall be issued to trap fur-bearing mammals to any person under the age of sixteen years, such person shall obtain the written consent of his father, mother or legally constituted guardian to obtain such license.

The owners residing on, or bona fide tenants of farm lands, and their children actually residing on such lands, shall have the right to trap fur-bearing mammals protected by this Act, upon such lands, without procuring licenses, provided that such fur-bearing mammals are taken during the periods of time and with such devices as are permitted by this Act.

All persons hunting or trapping fur-bearing mammals shall have the green hides of fur-bearing mammals protected by this Act in their possession only during the open season and for an additional period of 10 days next succeeding such open season.

Section 3.4 Application for license — Possession of license. Before a license to trap fur-bearing mammals shall be issued to any person, such person shall make application to the Department or any county, city, village, township or incorporated town clerk or his duly designated agent upon an application form provided by the Department. This application shall be executed and sworn to and shall set forth the name and description of the applicant and his place of residence.

The fee for a license to trap fur-bearing mammals for a resident of the State of Illinois shall be \$3.

Every person taking fur-bearing mammals shall make a report properly sworn to, to the Department, upon blanks supplied by the Department for such purpose, of all hides of fur-bearing mammals taken, sold, shipped or dealt in, during the months of November, December, January and February together with the names and addresses of the parties to whom the same were sold or shipped. Such report shall be made to the Department not later than March 10 following each trapping season and if false, the person making the same shall be subject to the penalties provided in Section 3.5. Further, the Department may refuse to issue a trapping license to any person who has failed to file such a report.

All trapping licenses shall expire on March 31 of each year.

Every person holding any license or permit issued under the provisions hereof shall have the same in his possession for immediate presentation for inspection to the authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer, making demand for same.

Section 3.5 Violations. Any person who violates any of the provisions of Sections 3.1, 3.2, 3.3 or 3.4 shall be guilty of a petty offense and fined not less than \$25 nor more than \$100.

Any person who violates any of the provisions of Section 2.18, including administrative orders, shall be guilty of a Class B misdemeanor.

Any person who violates any of the provisions of Section 2.25, including administrative orders, shall be guilty of a Class B misdemeanor.

Any person who violates any of the other provisions of this Act, including administrative orders, shall be guilty of a petty offense.

Migratory Waterfowl Hunting Area Permits

Section 3.6 Person controlling land or water — Migratory waterfowl — Permit. Before any person shall control land or water used or intended to be used in whole or in part for the taking of migratory waterfowl or have the privilege of taking migratory waterfowl thereon, he shall first obtain a permit from the Department and pay an annual permit fee as hereinafter prescribed which permit shall entitle the holder thereof to possess blinds, pits or similar legal devices of concealment on such land or water.

Section 3.7 Person controlling land or water — Wild ducks or geese — Permit fees. Any person controlling land and water, or land or water, used or intended to be used, in whole or in part for the taking of wild ducks or wild geese or for having the privilege of taking wild ducks or wild geese thereon shall make application and pay an annual permit fee of \$10.00 for 5 or less blinds or pits; \$25.00 for more than 5 and not more than 10 blinds or pits; and \$25.00 for each 10 blinds or pits or any fraction thereof over 10 blinds or pits. This permit shall be designated as a "Migratory Waterfowl Hunting Area Permit" and shall be displayed openly at the headquarters of the area under permit. Migratory Waterfowl Hunting Area Permits for the privilege of holding and/or controlling lands and water or lands or water used or intended to be used for the taking of wild ducks or wild geese shall be issued by the Department on the basis of principal use. Holders of such permits are entitled to harvest either wild ducks or wild geese. If the principal species harvested is wild geese the licensed area will follow the provisions provided for in Section 3.9.

Section 3.8 Blind and pit regulations. Areas operated under both Migratory Waterfowl Hunting Area Permits shall observe the blind and pit regulations set forth in Section 2.21 of this Act.

Section 3.9 Person in control of land or water — Wild geese — Special regulations. (a) Any person controlling land and water, or land or water, used or intended to be used, in whole or in part for the taking of wild geese or for having the privilege of taking wild geese thereon shall make application and pay an annual permit fee of \$10.00 for 5 or less blinds or pits; \$25.00 for more than 5 and not more than 10 blinds or pits; and \$25.00 for each 10 blinds or pits or any fraction thereof over 10 blinds or pits. This permit shall be designated as a "Migratory Waterfowl Hunting Area Permit" and shall be displayed openly at the headquarters of the area under permit. (b) All such permits shall expire each year on the next day after the last day of the season during which it shall be lawful to take migratory waterfowl. (c) The holder of such a permit: (1) Shall require all hunters to register daily prior to hunting on any licensed area on the daily register forms provided by the Department. The person registering shall show his name and mailing address and at the end of each hunting day shall report the number and species of migratory waterfowl taken. Such registration shall include officers and employees of the licensed club hunting on such land and water, or land or water. Such daily registers shall be exhibited to and shall be open to inspection by the authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer of the State. (2) Shall be responsible for the observance of the provisions of this Act, in the taking and

possession of migratory waterfowl, by himself, guests, or employees on land and water, or land or water, covered by such permit. (3) Shall forward at the end of each season for the taking of migratory waterfowl, or at more frequent times as may be requested by the Department, a report upon blanks furnished by the Department of the number of each kind of such birds taken upon such land and water, or land or water.

Section 3.10 Exemption from area permit requirements. No person actually residing on and owning any piece of land and water, or land or water, shall be required to secure any such permit for the privilege of hunting migratory waterfowl hereon, for himself, members of his immediate family or his guest or guests; provided he receives no compensation either directly or indirectly by reason of the opportunities for taking migratory waterfowl on such land and water, or land or water; but he shall be required to keep the daily register herein provided for, which shall be open to inspection at all times to officers authorized to examine the same and he shall apply to the Department for blanks for such purposes.

Commercial Permits

Section 3.11 Resident wholesale buyer defined — Fee. Any person who is a resident of the State of Illinois, who, within the State of Illinois, receives, collects or buys, or who acts as an agent or broker in the receipt, collection or purchase of the green hides of fur-bearing or game mammals, protected by this Act, except a person who receives, collects or buys, or acts as an agent or broker in the receipt, collection or purchase of such green hides only from a licensed resident wholesale fur buyer, or who is a resident retail fur buyer as defined in Section 3.12, shall be a resident wholesale fur buyer in the meaning of this Act. Resident wholesale fur buyer's permits shall be issued by the Department. The annual fee for each resident wholesale fur buyer's permit shall be fifty dollars (\$50.00). A holder of a resident wholesale fur buyer's permit may have the green hides of any legally taken fur-bearing or game mammals in his possession at any time during the year; provided, however, that failure to establish proof of the legality or origin of the green hides of fur-bearing mammals shall be prima facie evidence that such green hides are contraband within the State of Illinois.

Section 3.12 Resident retail buyer defined — Fee. Any person who is a resident of the State of Illinois who, within the State of Illinois receives, collects, or buys or acts as an agent or broker in the receipt, collection or purchase of the green hides of fur-bearing or game mammals provided for in Section 3.25 of this Act, or the trapper or hunter by whom such mammals were taken, shall be a resident retail fur buyer in the meaning of this Act. Resident retail fur buyer's permits shall be issued by the Department. The annual fee for each resident retail fur buyer's permit shall be \$10.00. A holder of a resident retail fur buyer's permit may sell to licensed wholesale buyers only, and may have the green hides of any legally taken fur-bearing or game mammals in the State of Illinois, and up to and including the 31st day of March next succeeding such period.

Section 3.13 Traveling buyer defined — Fee. Any resident wholesale fur buyer employing one or more traveling buyers shall certify annually the name of each buyer to the Department, and the Department shall furnish each traveling buyer so certified with a permit and certificate or identification showing his employment with the wholesale buyer, upon the payment of an annual fee of \$10.00, for each buyer so certified. Such traveling buyer shall have the authority to buy only from a licensed retail dealer or another licensed wholesaler and to receive, collect, buy or possess the green hides of fur-bearing or game mammals protected by this Act, only up to and including the 1st day of March next succeeding the period when it shall be lawful to take such fur-bearing or game mammals, within the State of Illinois except that beaver pelts may be possessed up to and including the 31st day of March; provided, however, that such traveling buyers shall have no authority to ship or offer for shipment any such hides, unless consigned to the wholesale fur buyers by whom such traveling buyers are employed.

Section 3.14 Certificate of purchase. Any person receiving, collecting or buying green hides of fur-bearing mammals or game mammals from a licensed resident retail, resident wholesale or non-resident fur buyer or fur vendor shall be furnished with a certificate by such buyer or vendor showing the number and kinds of such green hides received, collected or purchased, the date of the transaction, the name and address of the buyer, or vendor, the name and address of the person receiving, collecting or buying such green hides from such buyer or vendor, and any other information which the Department may require; and the certificate, or certificates, provided for in Section 3.25 shall be immediately presented for inspection to officers and authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer when request is made for same. An invoice covering green hides originating in other states may be accepted in lieu of the certificates. Failure to produce such certificate or invoice shall be prima facie evidence that such green hides are contraband within the State of Illinois.

All licensed fur dealers shall make an invoice at the time the fur is purchased and a copy of such invoice shall be furnished the seller.

Section 3.15 Purchases for manufacturing purposes. Any manufacturer, converter, or consumer who purchases or receives raw furs for the purpose of dressing and fabricating them into fur garments or products, shall purchase such raw or green hides from a duly licensed wholesale fur buyer, and shall demand from the vendor an invoice covering such purchases, indicating thereon the date, the name and address of the wholesale fur buyer, and the number and kinds of green hides so purchased. Such invoices shall be exhibited to and be open to inspection at any time by the officers and authorized employees of the Department.

Such purchases of raw or green hides shall be made for converting or manufacturing purposes only, and hides so bought shall not be offered for resale in the green or unprimed condition.

Such a manufacturer may have the raw or green hides of any legally taken fur-bearing or game mammals purchased from a licensed wholesale fur buyer,

in his possession at any time during the year, provided such raw or green hides were purchased and are used for manufacturing purposes only.

Section 3.16 Fur tanner permit — Fee. Before any person shall engage in the business of dressing, dyeing or tanning green hides of fur-bearing or game mammals, protected by this Act, he shall first procure a permit from the Department to do so.

The annual fee for each tanner's permit shall be \$10.00 and such permits shall expire on March 31st of each year.

Section 3.17 Tanner defined. Any person in the State of Illinois, engaging in the business of dressing, dyeing or tanning the green hides of fur-bearing or game mammals, protected by this Act, shall be a tanner in the meaning of this Act.

In accepting such green hides, such dyers, tanners or dressers shall require that an invoice, or if purchased within the State of Illinois, a certificate as required by this Section, or by Section 3.25 of this Act, showing the name and address of the person from whom such green hides were received, collected or purchased, shall be furnished and shall become a part of the records of such tanner, dyer or dresser, and shall be opened to inspection by authorized employees of the Department, any sheriff, deputy sheriff or any other peace officer of this State. Failure to produce such invoice or certificate shall be prima facie evidence that such green hides are contraband within the State of Illinois.

Section 3.18 Non-Resident dealer defined — Fee. Any person not a resident of the State of Illinois, who, within the State of Illinois, receives, collects or buys, sells or acts as an agent or broker in the receipt, collection or purchase or sale of the green hides of fur-bearing or game mammals, protected by this Act, except from a licensed resident wholesale dealer, shall be a non resident fur dealer in the meaning of this Act. The annual fee for each non resident fur dealer's permit is one hundred dollars (\$100.00). A holder of a non resident fur dealer's permit may have the green hides of any legally taken fur-bearing or game mammals in his possession at any time during the year; provided, however, that failure to establish proof of the legality of origin of such green hides of fur-bearing or game mammals shall be prima facie evidence that such green hides are contraband within the State of Illinois.

Section 3.19 Permits in personal possession — Expiration — Exemption. Each resident retail fur buyer, resident wholesale fur buyer, traveling buyer, nonresident fur dealer or tanner shall have his permit in his possession when receiving, collecting, buying, selling, or offering for sale, the green hides of fur-bearing or game mammals or accepting the same for dressing, dyeing, or tanning, and shall immediately produce the same when requested to do so by authorized employees of the Department, any sheriff, deputy sheriff or any other peace officer of this State. All permits issued to fur buyers, fur dealers or tanners of green hides of fur-bearing or game mammals shall expire on March 31st of each year. Persons conducting organized and established auction

sales or the green hides of fur-bearing or game mammals, protected by this Act, shall be exempt from the provisions of this Section.

Section 3.20 Records of hides received or purchased. All fur buyers, or tanners of the green hides of fur-bearing or game mammals, as provided for in Section 3.16, shall keep a record on a form furnished by the Department showing the name and address and license number of each person, whether within or without the State of Illinois, from whom such hides are received, collected or purchased, the number and kinds of such hides received, collected or purchased, the date of receipt, collection, or purchase, and the price, if any, paid therefore. Such record shall be open to inspection by the officers and authorized employees of the Department, any sheriff, deputy sheriff or any other peace officer, and is to be submitted to the Department not later than 30 days past the expiration date of the buyer's permit or tanner's permit.

Section 3.21 Taxidermist permit. Before any person shall engage in the business of taxidermy as it relates to wild birds or wild mammals, he shall first procure a permit from the Department to do so.

Any person shipping any wild birds or wild mammals lawfully taken or killed shall tag or label such shipment and such tag or label shall state the number and kinds of wild birds and wild mammals contained in the shipment, the name and address of the shipper, the name and address of the taxidermist and a statement that such wild birds or wild mammals, as the case may be, were lawfully taken and are shipped for the purpose of being preserved and mounted by the art of taxidermy.

All persons licensed as taxidermists under this Act who shall ship any wild birds or wild mammals that have been received, preserved or mounted, shall tag or label such shipment, and such tag or label shall state the name of the taxidermist and the number and date of his or her license.

The fees for such permit shall be five dollars (\$5.00) and the same shall expire upon the 31st day of January each year.

Section 3.22 Scientific permit. Permits may be granted by the Department to any properly accredited person of the age of 18 years and upwards, permitting the collection, for strictly scientific purposes, of any of the fauna now protected under this Code, and their nests, eggs and spawn.

The application for such a permit shall be approved by the Wildlife Resources Division of the Department.

The holder of each such permit shall make to the Department, within 30 days after the expiration of his or her permit, a report in writing upon blanks furnished by the Department. Such report shall show the name and address of all persons from whom specimens were received, the kinds of specimens taken, disposition made of same, and any other information which the Department may consider necessary.

Section 3.23 Game and game bird breeders — Necessity of permit. Before any person shall hold, possess or engage in the raising of game mammals, game birds or migratory game birds protected by this Act, he shall procure a

permit from the Department to do so. Any person desiring to possess, propagate, hold in captivity not more than 100 in the aggregate of any species protected by this Act may do so by acquiring a Class A Non-commercial breeders permit. Any person desiring to possess, propagate, hold in captivity or to sell alive, but not for food purposes more than 100 but less than 500 in the aggregate any species protected by this Act may do so by acquiring a Class B Semicommercial breeders permit. Any person desiring to possess, propagate, to hold in captivity, to sell alive, for propagation or hunting purposes, sell dressed for food purposes more than 500 in the aggregate of any species protected by this Act may do so by acquiring a Class C Commercial breeders permit.

The fee for a Class A permit shall be \$5; for a Class B permit shall be \$10 and for Class C permit shall be \$20 and such permits shall expire on March 31 of each year.

Holders of wild game breeder's permits may import game mammals, game birds or migratory game birds into the State of Illinois but may release the same only with the permission of the Director.

Bobwhite quail and male pheasants reared under the provisions of this Act may be released and harvested by hunting during the open season provided by the regulations under Sections 2.6 and 2.7 of this Act.

Licensed breeders who hold Class B and C permits may sell live hand-reared pheasants, bobwhite quail and chukar partridges to organized field trial clubs, or to individuals operating dog training grounds designated by the Department, to be used for field trial purposes and such pheasants, bobwhite quail and chukar partridges may be killed by shooting in connection therewith on areas approved by the Department.

Tags or decals on containers, of a type not removable without breaking or mutilating the tag or decal, shall be used to designate the carcasses of game mammals, game birds or migratory game birds raised in captivity, as provided in this Section, and all game imported legally from any source outside the State of Illinois shall be so designated with irremovable tags or decals. If such tag or decal is not provided for in the State of origin the consignor shall obtain such tags or decals from the Department to identify such carcasses. Upon the application and payment of a fee of 10 cents for such tag or decal, the Department shall furnish permittees with such tags or decals, except that the Department shall only furnish any permittee with sufficient tags or decals for the number of game mammals, game birds or migratory game birds, or parts of carcasses thereof, as may from time to time have been disposed of by the permittee. One of such tags shall be securely affixed to one of the legs of each game mammal, except deer, where a tag shall be affixed to each leg, game bird or migratory game bird before removing such game mammal, game bird or migratory game bird from the premises of the permittee, and such tags shall remain upon the leg or legs of such mammal, game bird or migratory bird until prepared for consumption.

Nothing in this Section shall be construed to give any such permittee authority to take game mammals, game birds or migratory game birds in their wild state contrary to other provisions of this Act, or to remove such permittee from

responsibility for the observance of any Federal laws, rules or regulations which may apply to such game mammals, game birds or migratory game birds.

When any wild birds or wild mammals raised in captivity, or parts thereof, are transported or offered for shipment by the holder of a permit, issued under the provisions of Sections 1.6 and 1.7 hereof, or by a licensed breeder from outside the State, such shipment shall be plainly tagged or with decals if in containers so as to show the contents thereof, the name of the shipper, his place of residence, the place from where the shipment is made, its destination, name of consignee and the number, date and type of permit under which shipment is offered. A record of all sales and shipments shall be forwarded to the Department immediately following the date when such sales and shipments are being made.

Duly organized clubs and associations approved by the Department and engaged in the raising, for release only and without profit, any of the game mammals and the game birds protected by this Act are exempt from the provisions of this Section.

No person shall release, hold, possess, or engage in raising San Juan (sometimes called European) rabbits in this State and no permit shall be issued therefore.

No person shall release, or propagate for the release any Nutria, Myocastor coypus, in this State at any time.

Section 3.24 Wild game food dealer's permit. Before any person, except permittees under Section 3.23 of this Act, shall engage in buying, selling or processing wild game for the purpose of buying, selling or shipping the same, including the carcasses of fur-bearing mammals, for food purposes, he shall first procure a license to do so from the Department. Dealers in deer, or any parts thereof, legally taken and possessed in and transported from, other states, shall also be licensed under the provisions of this Section. All such deer, or parts thereof, shall be marked with permanent irremovable tags, or similar devices, to establish and retain their origin and identity.

The terms "buying or selling" include buying or selling by hotel keepers, restaurant keepers and others engaged in buying or selling prepared foods for consumption.

A permit shall be procured for each separate market or place of business operated by any wild game food dealer and for each vehicle from which game or fur-bearing mammals are sold, and such permit shall be conspicuously displayed at all times.

This permit shall be known as a wild game food dealer's permit. It shall be issued by the Department for a fee of \$10.00 annually, the expiration date, January 31st of each year. The Department may prescribe the necessary forms as may be desirable for the maintenance of records by the licensee, to record all transactions in wild game that may be marketed under the provisions of the laws of this State and game imported legally from other states.

Nothing in this Section shall be construed to give the holder of a wild game food dealer's permit authority to take game birds, and game mammals in their

wild state contrary to other provisions of this Act. The person in possession of such game birds and mammals has the burden of proving the legality of his possession.

Section 3.25 Fur-bearing animal breeder permit — Necessity. Before any person shall hold, possess or engage in the breeding and raising of fur-bearing mammals protected by this Act, except as provided in Sections 1.6 or 1.7, he shall first procure a permit from the Department to do so. Holders of such permits may have, sell or otherwise dispose of fur-bearing mammals or their pelts, possessed thereunder, at any time.

Permittees shall keep a record of the sale or other disposition of each fur-bearing mammal (its carcass or green hide) so raised or propagated, showing the date of such transaction, and the name and address of the person receiving or buying such fur-bearing mammal (its carcass or green hide), and when requested to do so shall furnish such person with a certificate showing the number and kinds of such green hides so disposed of, the date of the transaction, the name of the permittee, and the name of the person receiving, collecting or buying such green hides, and such other information as the Department may require.

Nothing in this Section shall be construed to give any such permittee authority to take fur-bearing mammals in their wild state contrary to other provisions of this Act, or to remove such permittee from responsibility for the observance of any Federal Laws, rules or regulations which may apply to such fur-bearing mammals.

The annual fee for such a permit is \$10 and such permits shall expire on March 31 of each year.

Duly organized clubs and associations approved by the Department and engaged in the raising, for release only and without profit, any of the fur-bearing mammals protected by this Act, shall be exempt from the provisions of this Section.

No fur-bearing animal breeder permits will be issued to hold, possess, or engage in the breeding and raising of skunks acquired after July 1, 1975.

Section 3.26 Ferret breeding permit. Before any person shall engage in the breeding, raising or selling of ferrets or offer ferrets for sale, he shall first procure a permit from the Department to do so; such permit shall not, however, authorize the use or sale of ferrets for taking any of the wild birds or wild mammals protected by this Act.

The annual fee for such a permit shall be \$10.00 and the same shall expire on the 31st day of January of each year.

Game Breeding and Shooting Preserve Area Permits

Section 3.27 Game breeding — Shooting preserve area. Except in the case of releasing and harvesting hand reared mallards, any person owning, holding or controlling, by lease or otherwise, which possession must be for a term of 5 or more years, any contiguous tract of land having an area of not less than 320 acres, and not more than 1280 acres, who desires to establish a game breeding

and shooting preserve area, to propagate, preserve and shoot game birds thereon under the regulations as hereinafter provided, shall make application to the Department for a license as herein provided. Such application shall be made under oath of the applicant or under oath of one of its principal officers if the applicant is an association, club or corporation. In the case of an applicant who desires to release and harvest hand reared mallards, the tract of land, with the approval of the Department, may be smaller than that required in this Section but in all other respects the applicant shall conform to the provisions of this Act. The application shall be accompanied by a license fee of not to exceed \$50.00.

Every licensee under this Act shall release not less than 250 Bobwhite quail or pheasants each season.

Upon receipt of such application, the Department shall inspect the proposed licensed area described in such application and the premises and facilities where game birds are to be propagated, raised and liberated and the cover for game birds on such area and the ability of the applicant to operate a property of this character. If the Department finds that the area contains not less than 320 acres and not more than 1280 acres, is contiguous, and has the proper requirements for the operation of such a property; that the game birds propagated or released thereon are not likely to be diseased and a menace to other game; that the operation of such property will not work a fraud upon persons who may be permitted to hunt thereon; and that the issuing of the license will otherwise be in the public interest; the Department shall approve such application and issue a game breeding and shooting preserve area license for the operation of such a property on the tract described in such application with the rights and subject to the limitations in this Act prescribed.

All game breeding and shooting preserve area licenses expire on March 31st of each year.

Upon receipt of such license, the licensee shall promptly post such licensed areas at intervals of not more than 500 feet with signs to be prescribed by the Department. The boundaries of such licensed game breeding and shooting preserve areas shall also be clearly defined by natural or artificial boundaries or by signs.

Section 3.28 Season limits for licensee of game breeding and shooting preserve area. The licensee of any licensed game breeding and shooting preserve area may take, or authorize to be taken, on licensed areas and within the season fixed and designated, and in such numbers as herein provided, the following: (a) 80% of each of the following species of game birds released within the said season; hand reared pheasants, Bobwhite quail and Hungarian partridges; (b) 100% of all Chukar partridges, Coturnix and wild turkeys released within said season; (c) Hand reared mallard ducks may be released at any time of the year for shooting purposes and 100% of those released may be harvested by shooting; (d) All the foregoing birds so released, except Coturnix, shall be at least 16 weeks of age before releasing the same and shall possess full plumage.

Section 3.29 Release of birds on game breeding and shooting preserve

area. For the purpose of this Act, game birds shall be released upon licensed game breeding and shooting preserve areas in a manner satisfactory to the Department. The licensee shall keep a register which shall clearly show the number and kind of game birds released and propagated each year, the date of release, and also the number and kind of game birds released and propagated each year, the date of release, and also the number and kind of game birds taken, the date when taken and the disposition made of such game birds, and shall submit such reports under oath as to game birds released, propagated and taken, to the Department not later than 10 days following the end of each month during the season. The Department shall keep an adequate record of the number of birds released and propagated on each licensed game breeding and shooting preserve area in each year and of the birds taken.

The Department shall prepare special tags suitable for use upon legs of game birds, including hand reared mallard ducks, which tags shall be of a type not removable without breaking and mutilating the tag, such tags to be used to designate birds taken upon a licensed game breeding and shooting preserve area, and such tag shall remain upon the leg of such game bird until such bird is finally prepared for consumption. Upon application and payment of a fee of 10 cents for each such tag, the Department shall furnish licensees with such tags; provided that the Department shall not in any year furnish any licensee a number of tags in excess of the number of game birds which may lawfully be taken from such licensed area as hereinbefore provided. All game birds harvested on licensed areas are to be properly banded on the same day they are taken.

Section 3.30 Seasons for game breeding and shooting preserve area — Hunting license. Game birds may be taken upon a game breeding and shooting preserve area only during the period from October 1st to March 31st of each year, both dates inclusive.

Before any person shall take or attempt to take game birds upon such licensed game breeding and shooting preserve areas, he shall first secure a hunting license in accordance with this Act.

Section 3.31 Special representative to enforce game laws. The Department may designate any operator of a licensed game breeding and shooting preserve area or any of his or its agents or employees as a special representative of the Department with power to enforce the game laws and to prevent trespassing upon such property and to hunt and trap rodents and other mammals or birds which are destroying or likely to destroy the game birds raised or liberated on such area; provided that not more than two special representatives may be appointed for each such preserve. Such special representative shall be subject to rules and regulations to be prescribed by the Department and shall serve without compensation from the Department.

Section 3.32 Rules and regulations. The Department is authorized to make rules and regulations for carrying out, administering and enforcing the provisions of this Act.

Section 3.33 License for game breeding — Shooting preserve area. The

Department may either refuse to issue or refuse to renew or may suspend or may revoke any game breeding and shooting preserve area license if the Department finds that such licensed area or the operator thereof is not complying or does not comply with the provisions of Section 3.35 of this Act, or that such property, or area is operated in violation of other provisions of this Act, or in an unlawful or illegal manner; however, the Department shall not refuse to issue, refuse to renew nor suspend or revoke any license for any of these causes, unless the licensee affected has been given at least 15 days notice, in writing, of the reasons for the action of the Department and an opportunity to appear before the Department or a representative thereof in opposition to the action of the Department. Upon the hearing of any such proceeding, the person designated by the Department to conduct the hearing may administer oaths and the Department may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers. The Circuit Court upon application either of the licensee affected, or of the Department, may, on order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department or its representative in any such hearing. Upon refusal or neglect to obey its order, the Court may compel obedience by proceedings for contempt of court.

Section 3.34 Exotic game hunting area permit. Any person who imports into Illinois wild or semi-domestic mammals from other states or foreign countries for the purpose of providing hunting with bow and arrow or gun with or without dogs must obtain an exotic game hunting area permit. The cost of the permit is \$1000. The hunting area cannot be under 640 contiguous acres nor more than 2560 acres in size. It must be fenced in a manner capable of holding the mammals released. The holder of an exotic game hunting area permit must obtain a \$10,000 bond to cover damages that may occur if the mammals escape from the enclosure. The mammals must be inspected and certified disease free from an Illinois veterinarian.

The area must be inspected by personnel of the Department of Conservation before the license is issued. Anyone violating this Section is guilty of a business offense and shall be fined from \$500 to \$5000.

Section 3.35 Transfer or misuse of tags issued. Any licensee, or any other person, who willfully and intentionally transfers or permits the transfer of the tags issued to the operator of one licensed game breeding and shooting preserve area to the operator of another licensed game breeding and shooting preserve area, or to any other person, or who affixes such tags to game birds not taken from a licensed game breeding and shooting preserve area or to game birds taken from any area other than the area for which such tags were issued, is guilty of a Class B misdemeanor.

Additional Provisions

Section 3.36 Revocation of license or permit — Form of licenses or permit — Completion of license. Whenever a license or permit is issued to any person under this Act, and the holder thereof is found guilty of any misrepresentation in obtaining such license or permit or of a violation of any of the provisions of this Act, including administrative orders, his license or permit may be revoked

by the Department, and the Department may refuse to issue any permit or license to such person for the period of one year following such revocation.

Licenses and permits authorized to be issued under the provisions of this Act shall be prepared by the Department and be in such form as prescribed by the Department. The information required on each license shall be completed thereon by the issuing agent or his sub-agent at the time of issuance and each license shall be signed by the licensee and countersigned by the issuing agent or his sub-agent at the time of issuance. All such licenses shall be supplied by the Department, subject to such rules and regulations as the Department may prescribe. Any license not properly prepared, obtained and signed as required by this Act shall be void.

Section 3.37 Receipt for license received for sale — Fees for issuing. Any person receiving licenses from the Department for sale as provided for in this Section, shall execute and deliver receipts therefor; and shall on dates specified by the Department report in writing to the Department the number and kind of licenses sold, and shall, with such reports, make remittances to the Department covering the amounts received from such sales. Failure on the part of any clerk or agent to fully comply with this Act, including administrative orders, shall be justification for the Department to cancel or withdraw the issuance of licenses through such clerks or agents. Any person authorized by the Department or any county, city, village, township, or incorporated town clerk in any county, city, village, township or incorporated town of less than 500,000 inhabitants issuing hunting licenses or licenses to trap fur-bearing mammals, provided for in this Act, may add the following as his fees for issuing such licenses: 25 cents in the case of resident hunting or trapping licenses, and 50 cents in the case of nonresident hunting licenses. However, if the corporate authorities of such county, city, village, township or incorporated town so direct by ordinance, such clerks shall remit to the treasurer of the political sub-division of which he is an officer or employee, the added fees provided in this Section. In counties, cities, villages, townships or incorporated towns of more than 500,000 inhabitants the clerk issuing such licenses shall remit to the treasurer of the political sub-division of which he is an officer, the added fees provided in this Section. The clerk may deduct from such remittance all costs and expenses incurred by him in issuing such licenses. No person, other than any county, city, village, township or incorporated town clerk, or person appointed or designated by the Department may charge a service fee for issuing licenses provided for in this Act, and the charging of fees for issuing such licenses in excess of the fees authorized is a petty offense. All fees collected from the sale of licenses and permits and not remitted to the Department as provided in this Section, shall be deemed to have been embezzled and the person or officer responsible for such remittance is subject to prosecution.

Section 3.38 Return of blank forms after expiration of time in which license is usable — Bond of person selling license. Within 30 days after the expiration of the time in which any class of license is usable, payment for licenses sold shall be made to the Department and the respective persons possessed of blank forms thereof shall return same to the Department by express, with express charges collect.

No person is permitted to make deductions from remittances sent to the Department for postage, or for the cost of, or fees for, drafts or money orders.

Any county, city, village, township or incorporated town clerk handling or selling licenses as aforesaid is liable to the State personally. All other persons designated or appointed by the Department to handle or sell licenses as aforesaid shall before receiving such licenses for sale file with the Department a bond in an amount specified by the Department on a form to be approved by and with a surety or sureties satisfactory to the Department conditioned upon such person or persons paying to the State of Illinois all monies becoming due by reason of the sale of the licenses.

No person handling or selling licenses is required to remit for any license heretofore or hereafter stolen, by means of forcible entry, or destroyed by a fire in the premises where such licenses are kept, if he submits an affidavit to the Department describing the circumstances pertaining to such theft or causing such destruction and listing therein the type and numbers of the licenses so stolen or destroyed.

ARTICLE IV

Transportation of Birds and Game

Section 4.1 Shipment of game. Whenever the word "transport" or "ship" is used in this Act, it shall include parcel post, United States Postal Service, express, freight, baggage or shipment by common carrier of any description; or by automobile, motorcycle or other vehicle of any kind; or by water or aircraft of any kind, or by any other means whatsoever.

Except as provided in Sections 2.18, 3.16, 3.23 and 3.25, it shall be lawful to ship or transport within the State any of the wild birds or wild mammals protected herein only if there is attached to every box, package, crate, or other receptacle containing wild birds or wild mammals shipped, or offered for shipment, a tag showing the different varieties of wild birds or wild mammals contained therein, the number of each variety, the name and address of the consignor, and of the consignee, and the number of the consignor's license.

It shall be lawful for any person to carry with him or transport as baggage on any train or conveyance for which he or she has purchased a transportation ticket, not more than one package at any one time containing not more than the possession limit of wild birds or wild mammals as provided in this Act. When such package is offered as baggage, the same shall be plainly labeled to show the name of the person transporting the same and the place to which it is being transported.

Section 4.2 Wild game or wild animals taken out of state by non-resident. It shall be lawful for a non-resident of the State to transport from the State any wild mammals and wild birds protected by the provisions hereof only when they are carried, opened to inspection, in the personal possession of the owner thereof, who has in his or her possession at the time of so doing a non-resident hunting license.

Migratory game birds may be transported or shipped according to Federal regulations.

Section 4.3 Shipment into state. It shall be unlawful for transportation companies or common carriers knowingly to transport into this State from without the State, any wild bird or wild mammal protected under the provisions hereof, illegally taken and shipped contrary to any laws, rules or regulations of the State of origin. Migratory game birds may be transported or shipped according to Federal regulations.

Section 4.4 Constitutionality. Should any court hold any section, subdivision, clause, phrase, or provision of this Act to be unconstitutional or invalid for any reason whatsoever such holdings shall not affect the validity of the remaining portions of this Act.

Wild Life Restoration Projects

AN ACT assenting to the provisions of the act of Congress entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September 2, 1937. Approved July 1, 1939. L.1939, p. 651.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 133 Assent of state to act of Congress relating to wild-life restoration projects—Cooperative projects. The State of Illinois, hereby assents to the provisions of the act of Congress entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public No. 415, 75th Congress),¹ and the Department of Conservation is hereby authorized, empowered, and directed to perform such acts as may be necessary for the conduct and establishment of cooperative wildlife-restoration projects, as defined in said Act of Congress, in compliance with said Act and with rules and regulations promulgated by the Secretary of Agriculture thereunder.

¹16 U.S.C.A. §§ 669-6691

Section 134 Diversion of funds from hunting licenses. No funds accruing to the State of Illinois from license fees paid by hunters shall be diverted for any other purpose than the administration of said Department.

Game Code of 1941

Sections 135 to 217 §§ 1 to 84 (L. 1941, vol. 1, p. 767) Repealed by L. 1943, vol. 1, p. 794, § 2, eff. July 17, 1943; L. 1947, p. 1039, § 2, eff. July 21, 1947; L. 1963, p. 2003, § 2, eff. July 25, 1963; L. 1965, p. 555, § 2, eff. July 1, 1965; P.A. 76-1353, § 2, eff. Sept. 16, 1969; P.A. 77-1781, § 5, eff. July 1, 1972; P.A. 77-2064, § 2, eff. July 18, 1972.

A section 137 03-1 added by P.A. 77-1667, eff. November 12, 1971, was repealed by P.A. 77-2064, § 2, eff. July 18, 1972

Additional Game Provisions

Wildlife Habitat Management Areas

AN ACT in relation to the establishment, control, and protection of Wildlife Habitat Management Areas and to repeal an act herein named. Approved July 17, 1959, L.1959, p. 1409, as amended by act approved July 31, 1961, L.1961, p. 2296.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 218 Definitions. When used in this act.

"Department" means Department of Conservation;

"Director" means Director of the Department of Conservation;

The term "hunting rights", includes both hunting and trapping in season, unless the latter privilege is specifically reserved by the owner, tenant, or other person in control thereof.

Section 219 Agreements between farmers and department relative hunting rights—Execution. In order to cooperate with private land owners and others who desire to aid in the conservation of game and other wildlife, the Department may create and maintain Wildlife Habitat Management Areas on suitable lands owned or controlled by individuals, corporations, associations, or municipalities. The hunting rights for such land shall be controlled by the property owners in mutual agreement with the Department, by written contract with the landowner or person having legal control and authority to grant such rights for an uninterrupted period of 5 years or more. When properly signed, the Department may authorize and empower the director to execute such agreements on its behalf. As amended by act approved July 31, 1961, L.1961, p. 2296.

Section 220 Agreements between farmers and department relative hunting rights—cancellation. The director, on behalf of the Department, may cancel any such agreement; (a) upon 60 days written notice to the lessor, when in the judgment of the Department the use of the lands is no longer needed or desired; (b) in case the owner or owners desire to sell the property and the sale cannot be consummated subject to the agreement, provided the director is satisfied; the principal object of such sale is not to convert to private use hunting rights which have been made more valuable through the utilization of the property for the purposes herein stipulated; and (c) in case the lessor becomes dissatisfied with the project and files a written request to the director for such cancellation.

Section 221 Territorial extent. Every Wildlife Habitat Management Area shall comprise at least 600 acres of contiguous farm lands, or a combination of tillable lands and farm woodlots suitable for the protection and propagation of species of small game ordinarily found upon, or in the immediate proximity of such lands, and the owners or persons having legal control thereof have agreed to cooperate in the establishment and maintenance of such a project thereon. As amended by act approved July 31, 1961, L.1961, p. 2296.

Section 222 Arrangements of area. Not more than one-third of the total acreage of such a project may be set apart as State Game Refuges of such size and number as the Department may determine, wherein no hunting shall be permitted. These safety zones shall be posted as provided for by Section 8 of this Act.¹ The remaining two-thirds or more shall be open to hunting and trapping. As amended by act approved July 31, 1961. L.1961, p. 2296.

¹Section 262 of this chapter

Section 223 Food and habitat conditions—development and improvement. The Department has the right to develop and improve game food and habitat conditions on the area, provided such improvements shall not interfere with the normal operations of the tract and shall meet with the approval of the cooperator.

Section 224 Rules and Regulations. The Department is hereby empowered to formulate, adopt, post, and enforce such rules and regulations for the management and government of lands acquired for Wildlife Habitat Management as it may deem necessary or advisable for their proper use and administration. As amended by act approved July 31, 1961. L.1961, p. 2296.

Section 225 Posting—marking of safety zones. All cooperative areas shall be posted by the Department on the perimeter at reasonable intervals. Signs used for posting shall be distinctive and shall briefly indicate the purpose of the area. The Department shall mark the boundary of any safety zone by posting notices 150 yards from buildings on the tract, warning that it is unlawful, without specific advance permission of the owner or occupant, to discharge any firearm or other deadly weapon, or to shoot at, hunt for, pursue, disturb or chase any wild animal or bird within the safety zone.

Section 226 Protection of department during hunting season. The Department shall furnish such protection as lies within its power to the lands, fences, livestock and other property of the Cooperator during the hunting season; and shall cooperate and aid in the enforcement of safety zone restrictions.

Section 227 Surplus game—Removal. In the event the Department deems it desirable to remove surplus game from the property for stocking elsewhere, the Cooperator, or a member of his family, or an employee, shall be given preference as an agent of the Department to trap surplus game in such numbers as determined by the Department, for which the trapper shall be paid a price per head as may from time to time be agreed upon. In the event no such person desires appointment as an agent to trap surplus game, the Department shall have the right to make other arrangements as deemed advisable.

Section 228 Reimbursement for use or delay of moving of hay. If the Cooperator is willing to leave a strip or strips of grain or hay stand in suitable places for game food, nesting cover, or travel lanes, or to delay mowing of hay, the Department may reimburse the Cooperator at a price mutually agreed upon in advance of the harvest period.

Section 229 Rights of owners and tenants. The owner or tenant of a tract of land on which a refuge area safety zone has been established, or any member of his family or duly authorized employee, is privileged to go upon such area any time of the year in connection with the normal and customary

management of the farm, without dog, firearm, or bow and arrow providing no attempt is made to drive or disturb game.

Section 230 Number of hunters—limitation. Hunters shall be limited to a number agreed upon as reasonable with respect to the game population. The volume of hunting shall be agreed upon by the Department and the Cooperators. As amended by act approved July 31, 1961. L.1961, p. 2296.

Section 231 Duties of hunters. Hunters shall at all times respect the rights of cooperating farmers, and shall not injure or destroy their livestock or property in any manner. Trees or shrubs shall not be mutilated or cut, nor shall berries, fruits or nuts be picked on or within such refuge area, except by permission of the owner or person in legal control of the property. Springs and streams shall not be contaminated or polluted in any manner.

Section 232 Inadvertent entry of dog—recovery. Should a dog inadvertently enter a refuge area, it may be recovered by the owner, or person in control, by entering the refuge area without firearms or bows and arrows.

Section 233 Entry of seriously wounded bird or animal into refuge area—right of hunter. Should a seriously wounded game bird or game animal enter a refuge area, the hunter who wounded it, if he wishes to retrieve it, shall report to a duly commissioned officer or authorized agent of the Department, who may investigate, accompanied by the hunter without firearms or bows and arrows, and if the bird or animal is found to be seriously crippled it may be secured by the officer or agent and turned over to the hunter.

Section 234 Supervisory officers. Until clearly evident that rigid supervision is no longer needed, each cooperative area will have at least one supervisory officer, temporary or otherwise, appointed by the Director, on duty at a conveniently located telephone on or adjacent to the area. All participating farmers will be informed of the location and telephone number of the officer. These facts are to be posted at each parking area to inform hunters or other interested parties. Check in stations may be located with the supervisory officer, and the station may be used to control the number of hunters on any Cooperative Area and to collect a nominal fee for operation of the area. As amended by act approved July 31, 1961. L.1961, p. 2296.

Section 235 Additional fees—disposition of surplus funds. At the Department's discretion, in lieu of other charges, a fee in addition to the regular license may be charged by the Cooperators, in return for which the hunter will receive a permit to hunt on Cooperative areas. Any surplus of funds collected over the cost of the program is to be used for farmer-hunter benefit (directly or indirectly to the hunter) by benefiting the farmer and creating good will for the hunting program. As amended by act approved July 31, 1961. L.1961, p. 2296.

Section 236 Regulation of entry upon refuge. Except as otherwise provided in this Act, it is unlawful for any person, except by special permission of a duly authorized representative of the Department, to enter or go upon a Wildlife Habitat Management Area Refuge Safety Zone, during any open season for the hunting of game, or to enter or go upon such a refuge at any time of the year with firearms, or bows and arrows, or traps, or dogs, or to permit a dog or dogs

under his control to enter any refuge. The Department, however, is hereby empowered, by adopting a suitable regulation to prohibit a person or persons from entering or going upon any such refuge, or all such refuges, at any or all times of the year should it deem such action advisable. As amended by act approved July 31, 1961. L.1961, p. 2296.

Section 237 Entry by officers or agents. In connection with their official duties, it is lawful for any member of the Department, or any employe or duly appointed agent thereof to go upon a Wildlife Habitat Management Area, restricted or open, at any time of the year with or without firearms, traps or dogs. As amended by act approved July 31, 1961. L.1961, p. 2296.

Section 238 Resisting arrest. It is unlawful to resist any officer or agent, of the Department when he is attempting to arrest a person for violation of any property damage laws of this State, or any law of this State intended to protect farm livestock, or human life, or for any violation occurring on lands leased by the Department or under its control.

Section 239 Violations of provisions of Act. Any person violating any of the provisions of this Act shall be guilty of a petty offense. Amended by P.A. 77-2519, § 1, eff. Jan. 1, 1973.

CHAPTER 56—FISH

ARTICLE I

Authorities and Powers

- Sec. 1.1 Short title.
- Sec. 1.2 Administration of Act.
- Sec. 1.3 Department — Definition of terms.
- Sec. 1.4 Biological balance — Season for taking and size limits — Duties of department.
- Sec. 1.5 Administrative orders — Public record — Evidence — Enforcement.
- Sec. 1.6 Cooperation with Environmental Protection Agency.
- Sec. 1.7 Propagation and stocking purposes— Fish, frogs or mussels and their eggs — Removal and disposal of undesirable aquatic.
- Sec. 1.8 Production and disposal of fish, frogs, mussels or eggs.
- Sec. 1.9 Cooperative units — Acquisition of areas.
- Sec. 1.10 Measures for conservation, distribution and restoration of fish, frogs and mussels — Actions and proceedings — Cooperation.
- Sec. 1.11 Conservation training schools — Disseminating information — Publications — Management and habitat development.
- Sec. 1.12 Employees as peace officers.
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Fish Code 1971

The Fish Code of 1971, eff. July 1, 1972, repealed the Fish Code of Illinois (1947), sections 141 to 248 of this chapter.

AN ACT to revise the law of Illinois in relation to the conserving of fish, minnows, frogs, turtles, crayfish or mussels, to provide penalties for violations thereof, and further to repeal an Act named herein. Approved by P.A. 77-1780, eff. July 1, 1972.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE I

Authorities and Powers

Section 1.1 Short title. This Act shall be known and may be cited as the "Fish Code of 1971".

Section 1.2 Administration of Act. This Act shall be administered by and under the direction of the Department of Conservation.

Section 1.3 Department—Definition of terms. As used in this Act, unless the context otherwise requires, the following words have the following meanings:

"Department" means the Department of Conservation.

"Director" means the Director of the Department of Conservation.

"Administrative order" means a regulatory measure issued by the Director of the Department issued under Section 1.4 of the Act and certified and filed with the Secretary of State.

"Person" includes the plural "persons", "females" as well as "males", and shall extend and be applied to clubs, associations, corporations, firms, and partnerships as well as individuals.

"Transport" or "ship" means to convey by parcel post, express, freight, baggage, or shipment by common carrier of any description; or by automobile, motorcycle, or other vehicle of any kind; or by water or aircraft of any kind or by any other means of transportation whatsoever.

"Resident" means a person who in good faith makes application for any license or permit and verifies by statement that he has actually resided in this State at least 30 days consecutively preceding the date of his application and that his residence or permanent abode is, at the time of making application, in this State. Any person on active duty in the Armed Forces shall be considered a resident of Illinois during his or her period of military duty.

"Sport fisherman" means a person who uses sport fishing devices as stated in Section 3.19 and 3.22.

"Resident commercial fisherman" means a person who has actually resided in Illinois for one year immediately preceding his application for commercial fishing license and who does not claim residency for commercial fishing license in another state or country.

"Take" means lure, kill, destroy, capture, gig or spear, trap or ensnare, or attempt to do so.

"Mussels" means and embraces any fresh water mussel, or the shell thereof.

"Mussel devices" includes any rake or fork or crowfoot bar or dredge described as follows: Rake or Fork — Any rake or fork with forks or tines used for collecting or assembling mussels; Crow-foot Bar — A bar of any material equipped with a series of hooks designed to take mussels by the insertion of such hooks between the shells thereof; Dredge — Any hand operated dredge with openings not larger than 2 (two) feet in width used for taking mussels.

"Contraband" applies to all fish, minnows, frogs, turtles, crayfish or mussels, or any part thereof, taken, bought, sold or bartered, shipped, or had in possession, or any conveyance, vehicle, watercraft or other means of transportation whatsoever (except sealed railroad cars or other common carriers) used to transport or ship any part thereof so taken, contrary to any of the provisions of the Act, including administrative orders; or used to transport, contrary to any of the provisions of this Act or an administrative order of the Department, any of the previously specified species when taken legally.

"Minnow" means any fish with but a single dorsal fin.

"Salmon" includes the salmons, trouts, New Zealand whitebaits, whitefishes and graylings.

"Salmon stamp" means a special stamp issued by the Department authorizing the taking or attempting to take salmon.

Employees or agents of any Federal, State, or Municipal government or body when engaged in investigational work, may by prior written approval of the Director be exempted from the provisions of this Act.

Section 1.4 Biological balance — Seasons for taking and size limits — Duties of department. The seasons during which fish, minnows, frogs, turtles, or mussels may be taken and the size limits and daily catch limits set out in this Act are based upon a proper biological balance and shall be regulated by administrative order.

The Department may not provide for a longer season or a larger daily catch limit than is provided in this Act.

The Department shall modify existing provisions, when necessary, including open seasons, size limits, and methods of taking fish from the waters of Lake Michigan under the jurisdiction of the State of Illinois, in order that the compact between the Canadian provinces and those States of the United States adjacent to the Great Lakes, including the United States and Canadian Governments, may be fulfilled in the best interests of the fisheries resources and the general public.

Section 1.5 Administrative orders — Public record — Evidence — Enforcement. The Department shall cause each administrative order to be filed with the Secretary of State and shall furnish a certified copy of each order to the State's Attorney in each county of the State.

Also each such order shall be entered in full and indexed in a book kept for such purpose by the Department, which shall be a public record and open to inspection at all reasonable times during office hours.

A copy of such order, under the seal of the Department and certified by the Director thereof, shall be received in evidence in all courts of this State with the same effect as the original.

Such orders, after becoming effective, shall be enforced in the same manner as are any other provisions of this Act and violators thereof are subject to the penalties set out in Section 5.7 of this Act.

Section 1.7 Propagation and stocking purposes — Fish, frogs or mussels and their eggs — Removal and disposal of undesirable aquatic. The Department, and persons authorized by it, may take, purchase or propagate, any fish, minnows, frogs, turtles, or mussels, or their eggs for propagation and stocking purposes.

The Department may remove and dispose of all undesirable aquatic life from any waters under the jurisdiction of this State, to maintain the biological balance of such aquatic life as the Department deems proper. The Department is authorized to sell or contract with any person to so remove and dispose of such undesirable aquatic life from such waters upon terms to be approved by the Department.

Section 1.8 Production and disposal of fish, frogs, mussels or eggs. The Department may produce under Section 1.7 any fish; minnows, frogs, turtles, or mussels, or their eggs, and distribute them to suitable waters for breeding, hatching, further propagation, or restocking. Such planting stock as is not required for state and public owned waters may be sold to owners of other water areas for stocking purposes, at a price not greater than the cost of production to the State but the sale thereof to these water owners shall be upon conditions and plans as may be approved by the Department for the purposes of producing a fishery.

Section 1.9 Cooperative units — Acquisition of areas. The Department may, for the purpose of breeding and propagating fish, minnows, frogs, turtles, and mussels, establish and maintain facilities upon any water owned or leased by the State of Illinois or by the United States of America with the United States Government, as the case may be, or agency, state or federal, having jurisdiction over such water.

The Department is empowered, or it may participate jointly with any municipality or other subdivision of this State, or the United States, to select and purchase, or lease, receive by donation or acquire, in accordance with the laws relating to eminent domain:

- (a) Suitable waters for the breeding, hatching, propagation and conservation

of fish, minnows, frogs, turtles, or mussels, or

(b) Waters to be used as public fishing and recreation areas, or

(c) Suitable waters or real property or both for the construction and operation thereon of conservation lakes and public fishing grounds, and to construct and maintain thereon such buildings, roads, bridges, and other recreational facilities as the Department deems necessary or desirable to a full and complete utilization thereof for the purposes herein set forth. The Department is further authorized to acquire all the necessary property or rights-of-way for the purposes of ingress and egress to such waters and lands, and to construct and maintain on such property or rights-of-way all necessary roads and bridges.

Section 1.10 Measures for conservation, distribution and restoration of fish, frogs and mussels — Actions and proceedings — Cooperation. The Department shall take all measures necessary for the conservation, distribution, introduction, and restoration of fish, minnows, frogs, turtles, and mussels. The Department shall also bring or cause to be brought, actions and proceedings, in the name and by the authority of the People of the State of Illinois, to enforce the provisions of this Act, including administrative orders, and to recover any and all fines and penalties hereinafter provided for. Nothing in this Act shall be construed to authorize the Department to change any penalty prescribed by law, or to change the amount of license fees or the authority conferred by licenses prescribed by law. The Department is authorized to cooperate with the appropriate Departments of the Federal Government and other Departments or agencies of State Government and educational institutions in conducting surveys, experiments, or work of joint interest or benefit.

Section 1.11 Conservation training schools — Disseminating information — Publications — Management and habitat development. The Department may establish Conservation Training Schools and employ technicians and such other help as may be necessary for the purpose of teaching conservation methods to employees of the Department, and such other interested groups as the Department deems necessary or desirable to carry out the provisions and purposes of this Act.

The Department shall in order to educate the citizens of this State in the modern trends of conservation, disseminate conservation information and the provisions of this Act through the mediums of lectures, motion pictures, photographs, exhibits, radio, news items, pamphlets, and other media the Department may deem suitable for this purpose.

The Department may publish, periodically, a bulletin or magazine containing information concerning the work of the Department, the conservation and propagation of wildlife, hunting and fishing, and any such other information as the Department deems to be of general or special interest to sportsmen and others affected by any law administered by the Department. A reasonable charge may be made for each copy of such publication. All funds derived from the sale of such publication shall be deposited in the Game and Fish Fund in the State Treasury.

The Department shall provide and maintain such management and habitat development on State controlled lands or waters used in propagating or breeding fish, minnows, frogs, turtles, or mussels as the Department deems necessary to conform with the most modern conservation methods, and the Department may also cooperate in such management and habitat development with any person propagating or breeding fish, minnows, frogs, turtles, or mussels on privately-owned lands or waters.

Section 1.12 Employees as peace officers. All employees of the Department authorized by the Director shall have the power of, and shall be, peace officers in the enforcement of the provisions of this Act, including administrative orders, and may carry such weapons as may be necessary in the performance of their duties.

Section 1.13 Duties and powers of police officers. All authorized employees of the Department, and all sheriffs, deputy sheriffs and other police officers shall arrest any person detected in violation of any of the provisions of this Act, including administrative orders. Any duly accredited officer of the Federal Fish and Wildlife Service may arrest any person detected in violation of any of the provisions of this Act, including administrative orders.

All such officers shall make prompt investigation of any violation of the provisions of this Act, including administrative orders, reported by any other persons, and to cause a complaint to be filed in case there seems just ground for such complaint and evidence procurable to support the same.

Upon the filing of such complaint, such officers shall render assistance in the prosecution of the party against whom complaint is made.

Peace officers, other than employees of the Department, making arrests and serving warrants provided for by this Act, shall receive the fees and mileage as provided by law for sheriffs.

Each duly accredited officer and authorized employee of the Department is empowered to execute and serve all warrants and processes issued by the Circuit Court.

Section 1.14 Courts of jurisdiction — Duty of state's attorneys. All prosecutions shall be brought in the name and by the authority of the People of the State of Illinois before the Circuit Court for the county within which the offense was committed.

All State's Attorneys shall enforce the provisions of this Act, including administrative orders, in their respective counties, and shall prosecute all persons charged with violating such provisions, when so requested by the Department.

Section 1.15 Venue — Limitations. All prosecutions provided for by this Act shall be brought before the Circuit Court for the county within which the offense was committed.

All such prosecutions shall be commenced within one year from the time the offense charged was committed.

Section 1.16 Remittance of fines. All fines provided for by this Act shall be collected and remitted to the Department within 30 (thirty) days after the collection thereof, by the Clerk of the Circuit Court collecting such fines, who shall submit at the same time to the Department, a statement of the names of the persons so fined and the name of the arresting officer, the offense committed, the amount of the fine, and the date of conviction.

Section 1.17 Authority to search. Authorized employees of the Department are empowered, without a warrant, to enter all lands and waters and examine all buildings, private or public clubs (except dwellings), fish markets, cold storage houses, locker plants, camps, vessels, cars (except sealed railroad cars or other common carriers), conveyances, vehicles, watercraft, or other means of transportation or shipping whatsoever, tents, game bags, game coats, or other receptacles, and to open and examine any box, barrel, package, or other receptacle in the possession of a common carrier, which they have reason to believe contain fish, minnows, frogs, turtles, or mussels, or any part thereof, taken, bought, sold or bartered, shipped, or had in possession contrary to any of the provisions of this Act, including administrative orders, or that the receptacle containing the same is falsely labeled.

Authorized employees of the Department shall be given free access to and shall not be hindered or interfered with in making such entry and examination, and any license held by the person preventing such free access or interfering with or hindering such employee shall not be issued to such person for the period of one year thereafter.

Section 1.18 Confiscation — Evidence of illegality. The possession of any fish, minnows, frogs, turtles, or mussels protected under this Act is prima facie evidence that the same is subject to all the provisions of this Act, including administrative orders.

Whenever the contents of any box, barrel, package, or receptacle consists partly of contraband and partly of legal fish, minnows, frogs, turtles, or mussels, or any part thereof, the entire contents of such box, barrel, package, or other receptacle is subject to confiscation.

Whenever a person has in his or her possession in excess of the number of fish, minnows, frogs, turtles, or mussels, or parts thereof, permitted under the provisions of this Act, including administrative orders, the entire number of fish, minnows, frogs, turtles, or mussels, or parts thereof, in his or her possession is subject to confiscation.

Section 1.19 Search warrants. Whenever any authorized employee of the Department, sheriff, deputy sheriff, or other peace officer of the State has reason to believe that any person, commercial institution, commission house, restaurant or cafe keeper, or fish dealer, possesses any fish, minnows, frogs, turtles, or mussels or any part thereof, contrary to the provisions of this Act, including administrative orders, he may file, or cause to be filed, his sworn complaint to such effect before the Circuit Court and procure a search warrant and execute the same. Upon the execution of such search warrant, the officer executing same shall make due return thereof to the court issuing the same, together with an inventory of all the fish, minnows, frogs, turtles, or mussels, or

any part thereof, taken thereunder. The Court shall thereupon issue process against the party owning, controlling, or transporting the fish, minnows, frogs, turtles, or mussels, or any part thereof seized, and upon the return thereof it shall proceed to determine whether or not the same were held, possessed, or transported in violation of this Act, including administrative orders, and in case of a finding to the effect that the same were illegally held, possessed, transported, or sold, a judgment shall be entered against the owner or party found in possession of the same for the costs of the proceeding and providing for the disposition of the property seized, as provided for by the terms hereof.

Section 1.20 Resistance to officers. It shall be unlawful for any person to resist or obstruct any officer or employee of the Department in the discharge of his duties under the provisions hereof.

Section 1.21 False representation. It shall be unlawful for any person to represent himself falsely to be an officer or employee of the Department, or to assume to act as such without having been duly appointed and employed as such.

Section 1.22 Contraband — Confiscation and disposition. All fish, minnows, frogs, turtles, or mussels or any part thereof, taken, bought, sold, or bartered, shipped, or had in possession contrary to any of the provisions of this Act, including administrative orders, are contraband, and are subject to seizure and confiscation by any authorized employee of the Department.

Contraband fish, minnows, frogs, turtles, or mussels, or any part thereof, seized and confiscated shall be disposed of as directed by the Department.

Section 1.23 Nuisances — Confiscation and disposition. Every fishing device, including seines, nets or traps, or any electrical device or any other devices, including vehicles, watercraft or aircraft, used or operated illegally, or attempted to be used or operated illegally by any person in taking, transporting, holding, or conveying any fish, minnows, frogs, turtles, or mussels, contrary to any of the provisions of this Act, including administrative orders, is a public nuisance and subject to seizure and confiscation by any authorized employee of the Department; upon the seizure of such item the Department shall take and hold the same until disposed of by Court order as hereinafter provided.

Upon the seizure of any device because of the illegal use of the same, the officer or authorized employee of the Department making such seizure shall forthwith cause a complaint to be filed before the Circuit Court and a summons to be issued requiring the owner or person in possession of such property to appear in court and show cause why the device seized should not be forfeited to the State. In case of failure to serve such summons upon the owner of such seized property, or person in possession of the same at the time of the seizure thereof, notice of the proceeding before the Circuit Court, shall be given as required by the statutes of the State in cases of attachment. Upon the return of the summons duly served or upon posting or publication of notice made as hereinbefore provided, the court shall proceed to determine the question of the illegality of the use of the seized property and upon judgment being

entered to the effect that such property was illegally used, an order shall be entered providing for the forfeiture of such seized property to the State; but the owner of such property may have a jury determine the illegality of its use, and shall have the right of an appeal, or review of a court of appellate jurisdiction. Such confiscation or forfeiture shall not preclude or mitigate against prosecution and assessment of penalties provided in Section 5.7 of this Act.

The Department shall pay all costs of posting or publication of notices required by this Section.

Section 1.24 Separate offenses. Each act of pursuing, taking, shipping, offering or receiving for shipment, transporting, buying, selling or bartering, or having in one's possession any fish, minnows, frogs, turtles, mussels, seines, nets or other devices used or to be used in violation of the provisions of this Act including administrative orders, constitutes a separate offense.

Section 1.25 Accessories. Any person who purchases, possesses, makes any use of, or who aids in or contributes in any way to the taking, transporting or shipping of any fish, minnows, frogs, turtles, or mussels, or any part thereof, which have been taken or possessed contrary to any of the provisions of this Act, including administrative orders, is individually liable, as a separate offense under the provisions hereof, for the penalties imposed against the person who took or formerly possessed such fish, minnows, frogs, turtles, or mussels, or any part thereof.

Section 1.26 Game and fish fund. All fees, fines, income of whatsoever kind or nature derived from the lands or waters or both under the jurisdiction or control of the Department, and all penalties collected under the provisions of this Act shall be deposited in the State Treasury and shall be set apart in a special fund to be known as the "Game and Fish Fund", except that fees derived solely from the sale of salmon stamps shall be deposited in the State Treasury and set apart in the special fund to be known as the "Salmon Fund". Appropriations from the Game and Fish Fund shall be made only to the Department for the carrying out of the powers and functions vested by law in the Department, including the purchase of land for fish hatcheries, game refuges, preserves and public shooting and fishing grounds, for the purchase and distribution of wild birds, the eggs of wild birds, and wild animals, for rescuing, restoring and distributing fish, for the maintenance of game refuges, or preserves, public shooting grounds, public fishing grounds and fish hatcheries and for the feeding and care of wild birds, wild animals and fish. Appropriations from the Salmon Fund shall be made only to the Department to be used solely for the conservation and propagation of salmon, including construction, operation and maintenance of a cold water hatchery.

ARTICLE II

Fish Protective Regulations

Section 2.1 Ownership and title — Violations — Penalties. The ownership of and title to all fish, minnows, frogs, turtles, mussels, and crayfish within the

boundaries of the State, are hereby declared to be in the State, and no fish, minnows, frogs, turtles, mussels, or crayfish shall be taken or killed, in any manner or at any time, unless the person or persons so taking or killing the same shall consent that the title thereto shall be and remain in the State for the purpose of regulating the taking, killing, possession, use, sale, and transportation thereof, after such taking or killing, as hereinafter set forth. The taking or killing of fish, minnows, frogs, turtles, mussels, or crayfish shall remain in the State for the purpose of regulating the possession, use, sale, and transportation thereof.

If any person causes any waste or sewage to be discharged into or causes or allows pollution of any waters of this State so as to kill aquatic life, the Department, through the Attorney General, may bring an action against such person and recover the reasonable value of the aquatic life destroyed by such waste, sewage, or pollution. Any money so recovered shall be placed in the Game and Fish Fund in the State Treasury.

If any person shall abandon, deposit or otherwise place any wire, can, bottle, glass, paper, trash, rubbish, cardboard, wood cartons, boxes, trees, parts of trees, brush, or other insoluble material, including animal or vegetable material, into the waters or upon the ice of any waters of this State, or in any place on the bank of waters of this State, where it shall be liable to be washed into the waters either by storms, floods, or other causes, he shall be in violation of the offense of polluting; any person who shall be found guilty under this Section shall be guilty of a petty offense and the Court shall further order that the person so found guilty shall employ every practical means of removing such debris from such place within a time specified by the Court. Failure to comply with such order shall constitute a Class B misdemeanor.

Section 2.2 Protected species — Definitions. This Act shall apply only to the fish, minnows, frogs, turtles, mussels, and crayfish and parts thereof in or from any of the lakes, rivers, creeks, sloughs, bayous, or other waters or watercourses wholly within the boundaries of the State of Illinois, or over which the State of Illinois has concurrent jurisdiction with any other State; or which may be brought into the State of Illinois, which are hereby defined as follows:

Lake sturgeon, *Acipenser fulvescens*; pallid sturgeon, *Scaphirhynchus albus*; shovelnose sturgeon, *Schaphirhynchus platyrhynchus*; paddlefish, *Polyodon spathula*; spotted gar, *Lepisosteus oculatus*; longnose gar, *Lepisosteus osseus*; shortnose gar, *Lepisosteus platostomus*; alligator gar, *Lepisosteus spatula*; bowfin, *Amia calva*; American eel, *Anguilla rostrata*; longjaw cisco, *Coregonus alpenae*; cisco, *Coregonus artedii*; lake whitefish, *Coregonus clupeaformis*; bloater, *Coregonus hoyi*; deepwater cisco, *Coregonus johannae*; blackfin cisco, *Coregonus nigripinnis*; coho salmon, *Oncorhynchus kisutch*; chinook salmon, *Oncorhynchus tshawytscha*; kokanee salmon, *Oncorhynchus nerka*; rainbow trout, *Salmo gairdneri*; brown trout, *Salmo trutta*; lake trout, *Salvelinus namaycush*; brook trout, *Salvelinus fontinalis*; American smelt, *Osmerus modrax*; grass pickerel, *Esox americanus vermiculatus*; northern pike, *Esox lucius*; muskellunge, *Esox masguinongy*; chain pickerel, *Esox niger*; carp, *Cyprinus carpio*; smallmouth buffalo, *Ictiobus bubalus*; bigmouth buffalo, *Ictiobus cyprinellus*; black

buffalo, *Ictiobus niger*; white catfish, *Ictalurus catus*; blue catfish, *Ictalurus furcatus*; black bullhead, *Ictalurus melas*; yellow bullhead, *Ictalurus natalis*; brown bullhead, *Ictalurus nebulosus*; channel catfish, *Ictalurus punctatus*; flathead catfish, *Pylodictis olivaris*; spring cavefish, *Chologaster agassizi*; white bass, *Morone chrysops*; yellow bass, *Morone mississippiensis*; rock bass, *Ambloplites rupestris*; warmouth, *Lepomis gulosus*; banded pygmy sunfish, *Elassoma zonatum*; green sunfish, *Lepomis cyanellus*; pumpkinseed, *Lepomis gibbosus*; bluegill, *Lepomis macrochirus*; longear sunfish, *Lepomis megalotis*; redear sunfish, *Lepomis microlophus*; bantam sunfish, *Lepomis symmetricus*; smallmouth bass, *Micropterus dolomieu*; spotted bass, *Micropterus punctulatus*; largemouth bass, *Micropterus salmoides*; white crappie, *Pomoxis annularis*; black crappie, *Pomoxis nigromaculatus*; bluebreast darter, *Etheostoma camurum*; harlequin darter, *Etheostoma histrio*; yellow perch, *Perca flavescens*; sauger, *Stizostedion canadense*; walleye, *Stizostedion vitreum*; freshwater drum, *Aplodinotus grunniens*; minnows (Cyprinidae family) except carp or young fish or protected species; crayfish, bullfrogs, *Rana catesbeiana*, turtles, snapping turtles, Chelydridae; and soft-shelled turtles, Tionychidae; mussels; Alabama shad, *Alosa alabamiae*; round whitefish, *Prosopium cylindraceum*; bigeye chub, *Hybopsis amblops*; Sturgeon chub, *Hybopsis gelida*; Sicklefins chub, *Hybopsis meeki*; pallid shiner, *Notropis anogenus*; bigeye shiner, *Notropis boops*; blacknose shiner, *Notropis heterolepis*; blackchin shiner, *Notropis heterodon*; river herring, *Moxostoma carinatum*; Northern madtom, *Noturus stigmosus*; banded killifish, *Fundulus diaphanus*; Western sand darter, *Ammocrypta clara*.

The aforesaid fish, minnows, frogs, turtles, mussels, or crayfish, or parts thereof shall be taken only with the devices and in the manner permitted by this Act, and the terms hereof shall apply with equal force to such fish, minnows, frogs, turtles, mussels, or crayfish when smoked, frozen, or similarly processed.

ARTICLE III

Limits — Seasons — Methods of Taking

Section 3.1 Daily limit — Bass. All properly licensed persons shall be permitted to take, in any one day, not to exceed 6 (six) of any one species of 6 (six) in the aggregate of largemouth, smallmouth, or spotted bass.

Section 3.2 Daily limit — Trout. All properly licensed persons shall be permitted to take, in any one day, not to exceed 5 (five) of any one species or 5 (five) in the aggregate of brook trout, brown trout, rainbow trout, lake trout, coho salmon, chinook salmon, kokanee salmon, or other salmonids.

Section 3.3 Method of taking certain fish. Muskellunge, northern pike, walleye, sauger, largemouth bass, smallmouth bass, spotted bass, warmouth, white bass, yellow bass, sunfish, bluegill, crappie, trout, or salmon shall be taken only by properly licensed people and only with sport fishing devices as provided in Section 3.19.

Section 3.4 Size limit — Northern pike. All northern pike in the possession of any person shall be not less than 24 inches in length, except that northern pike of any size may be possessed that are taken in the waters of the Mississippi River.

Section 3.5 Daily limit — Northern pike, sauger and walleye. All properly licensed persons shall be permitted to take, in any one day, not to exceed 3 (three) northern pike, 6 (six) sauger or walleye, or 6 (six) in the aggregate, of sauger and walleye.

Section 3.6 Taking of bullfrogs — Open season. All persons taking bullfrogs shall possess a valid sport fishing license, and then only during the following open season: June 15-August 31, both inclusive.

Section 3.7 Possession limit — Bullfrogs. All properly licensed persons may have in their possession at any one time not to exceed more than 8 (eight) bullfrogs.

Section 3.8 Taking of smelt. All persons taking smelt by any method or with any device, including small mesh nets, shall have a valid sport fishing license.

It shall be lawful to take smelt with a seine, gill net or dip net. Such seine or gill net shall not exceed 12 feet in length, 6 feet in depth and have a mesh size not greater than 1½ inches diagonal stretch. Such dip net shall not exceed 12 feet in diameter and have a mesh size not less than 1 inch diagonal stretch. No person shall operate more than one smelt net device at any one time. Persons taking smelt as authorized by this section are exempt from commercial license.

Section 3.9 Taking of gizzard shad. All casting nets shall be not larger than 8 (eight) feet in diameter or of a mesh not larger than ¾ inch bar measurement; all shad scoops shall be not larger than 30 inches in diameter or of a mesh not larger than ½ inch bar measurement or longer than 4 (four) feet in length for the taking of gizzard shad. All persons using either of the aforesaid devices shall possess a valid hook and line license.

Section 3.10 Size limit — Trout and salmon. All rainbow trout, lake trout, brown trout, brook trout, Atlantic Salmon, coho salmon, chinook salmon, kokanee salmon, or other salmonids when taken or in the possession of a person after having been taken from the waters of Lake Michigan shall be not less than 10 (ten) inches in length.

Section 3.11 Taking of restricted species. No persons shall take or possess any of the following species of fish at any time: lake sturgeon, *Acipenser fulvescens*; pallid sturgeon, *Scaphirhynchus albus*; alligator gar, *Lepisosteus spatula*; Alabama shad, *Alosa alabame*; cisco, *Coregonus artedii*; lake whitefish, *Coregonus clupeaformis*; blackfin cisco, *Coregonus nigripinnis*; round whitefish, *Prosopium cylindraceum*; bigeye chub, *Hybopsis amblops*; sturgeon chub, *Hybopsis gelida*; sicklefin chub, *Hybopsis meeki*; pallid shiner, *Notropis amnis*; Pugnose shiner, *Notropis anogenus*; bigeye shiner, *Notropis boops*; blacknose shiner, *Notropis heterolepis*; blackchin shiner, *Notropis*

heterodon; river redhorse, *Moxostoma carinatum*; Northern madtom, *Noturus stigmosus*; banded killifish, *Fundulus diaphanus*; Western sand darter, *Ammocrypta clara*; spring cavefish, *Chologaster agassizi*; banded pygmy sunfish, *Elassoma zonatum*; bantam sunfish, *Lepomis symmetricus*; bluebreast darter, *Etheostoma camurum*; harlequin darter, *Etheostoma histrio*.

Section 3.12 Taking of turtles or bullfrogs — Methods. No person shall take turtles or bullfrogs by commercial fishing devices including hoop nets, traps, or seines, or by the use of firearms, airguns, or gas guns.

Section 3.13 Taking of fish, turtles, mussels or bullfrogs — Inclusion in daily limit. Any fish, turtles, mussels, or bullfrogs taken into actual possession, unless released unharmed immediately, shall be included in the daily limit of the person having so taken such fish, turtle, mussel, or bullfrog, for the day when taken.

Section 3.14 Application of article. The provisions of this Article III shall apply only to fish, minnows, frogs, turtles, or mussels in waters wholly or in part within the boundaries of the State of Illinois.

The provisions of Sections 3.1 through 3.14 are subject to modification in the manner provided by Sections 1.4 and 1.5.

Fish, minnows, frogs, turtles, and mussels legally taken in and transported from other states or countries may be possessed within the State of Illinois, subject to the provisions of Sections 4.12, 4.13, and 4.33 of this Act.

Any fish, minnow, turtle, or mussel taken at any time except during an open season established therefor under this Act, including administrative orders, or of a size less than the minimum provided by this Act, including administrative orders, shall be immediately returned, without unnecessary injury, to the waters from which taken.

Section 3.15 Electricity, drugs, chemicals, explosives, snares or guns. It shall be unlawful to take any fish by the use of electricity, or any electrical device, a lime, acid, medical, chemical, or mechanical compound or dope of any medicated drug, or any drug, or any fishberry, or any dynamite, or giant powder, nitro glycerine, or other explosives, or by means of a snare, treated grain, firearms of any kind, air gun or gas gun, wire basket, wire seine, wire net, wire trotline, or limb lines of any kind.

Section 3.16 Repealed.

Section 3.17 Ice fishing. Fish may be taken through the ice by the use of not more than 2 (two) poles and lines or 2 (two) tipups at any one time and there may be not more than 2 (two) hooks attached to each line; any hole cut in the ice for the purpose of taking fish shall be not more than 12 (twelve) inches in diameter; any shelter which is placed or used on such ice of any of the public waters of this state shall be a portable fishing shelter constructed of a framework of metal or wood covered with canvas, paper, plastic material or any similar fabric and such shelter shall have the name and address of the

owner attached thereto; following March 1 of each ice fishing season the shelter must be removed at the end of each fishing day and shall not be left unattended at any time after such date.

All fishing devices placed through the ice shall be attended and kept under the observation of the person having so placed the device at all times.

Section 3.18 Snag line or pole. It shall be unlawful to use, set, or place, or control any snag line or snag pole, meaning any line, cord, or pole to which a fish hook, a number of fishhooks, or clusters of fish hooks of any kind or description, are attached and designed to be placed in, or drawn through the water for the purpose of catching by drawing such hooks into the body of the fish except as may be otherwise provided by administrative order.

Section 3.19 Number of hooks — Other Devices — Tagging unattended devices. Any person possessing a valid sport fishing license may use pole and line, bank pole and line, throw line, trot line, buoyed ganging devices or other legal devices not exceeding 50 hooks in the aggregate, and dip net for non-commercial fishing, however, any person at any one time is allowed to use under his immediate control only two untagged sport fishing devices and any additional devices up to the aggregate of 50 hooks must be tagged with his name and mailing address.

Any person possessing a valid sport fishing license may use not more than two poles and lines or tipups with more than two hooks or lures attached.

Any sport fishing device including trot line device, bank pole, and throw line or buoyed ganging devices left unattended must be tagged with the name and mailing address of the operator.

Amended by P.A. 78-1297, Section 20, eff. March 4, 1975.

Section 3.20 Release of fish — Permission. No person except the owner of a body of water shall release any fish into waters of this State without first securing permission of the owner to do so and in no case can fish not indigenous to the State of Illinois be released except that all fish may be released into waters from which they were taken.

Section 3.21 Repealed.

Section 3.22 Taking carp, buffalo, suckers, gar and bowfin — Pitchfork, bow and arrow devices, spear or gig. Carp, buffalo, suckers, gar, and bowfin may be taken by means of a pitchfork, underwater spear gun, bow and arrow or bow and arrow device, spear or gig, provided that each person taking fish in such manner shall possess a valid hook and line license; no other fish may be taken in this State by such means.

Section 3.23 Use of state lands — Compliance with rules and regulations. All persons utilizing any public recreational and fishing areas on waters owned or leased by the State shall comply with the rules and regulations established by administrative order.

Section 3.24 Taking turtles or crayfish by non-residents — Prohibition. Only persons who are actual residents of the State of Illinois shall be permitted to take turtles or crayfish by any means whatsoever; and turtles may be taken only by hand or means of hook and line.

Section 3.25 Taking of mussels. It is unlawful for any person to take mussels by means of basket dredges, self contained or other air diving devices, mechanical or suction devices.

Section 3.26 Device attached to tree — Attachment below water line. Any hook and line or hook and line device for the purpose of taking or attempting to take fish, if attached to a tree, must be attached only to the main tree trunk below the water line.

Section 3.27 Trolling — Number of poles — Number of hooks or lures. It shall be lawful for any one person to troll for fish provided not more than two poles and lines with not more than two hooks or two lures be attached to each device.

Section 3.28 Sport Fishing Charter Boats — Catch reports. All persons operating Sport Fishing Charter Boats in the Illinois portion of Lake Michigan shall submit daily catch reports on a monthly basis to the Department on forms furnished by the Department.

ARTICLE IV

Commercial Fishing

Section 4.1 Commercial fisherman defined. A commercial fisherman is defined as any person who uses any of the commercial fishing devices as defined by this Act for the taking of any fish, minnows, frogs, turtles or mussels protected by the terms of this Act and offers these species for sale.

Section 4.2 Commercial fishing devices defined. Commercial fishing devices for the purposes of this Act are defined as follows: Buoyed gangings, set gangings, bank pole and line, throw line or trot line having more than 50

hooks, seine, pocket seine, otter trawl, dip net, throw net, gill net, trammel net, basket trap, hoop net, wing net, pound net, trap net, mussel devices, and any and all other devices considered as commercial devices by the Department when used in the taking of any fish, minnows, frogs, turtles or mussels protected by the terms of this Act.

Section 4.3 Nets in taking blackfins, chubs, etc. Blackfins, chubs, herring, longjaws and yellow perch may be taken in Lake Michigan with gill nets or dip nets but no other net shall be employed for taking such fish in Lake Michigan.

Section 4.4 Seine or dip net under ice. Every person operating a seine or dip net under the ice shall first obtain the authorization of the Department and shall be supervised by the Department.

Section 4.5 Traps, nets, or seines in taking bullheads, catfish, etc. When taken or possessed after having taken with basket traps, nets (dip, hoop, trammel, gill or pound), or seines, the following species shall be not less in length than hereinafter provided: bullhead or white catfish 7 inches dressed or 9 inches undressed; any other species of catfish from within or without the State 10 inches in length dressed, or 13 inches in length undressed; freshwater drum 8 inches in length dressed, or 10 inches in length undressed.

Section 4.6 Gill or pound nets prohibited in taking lake trout, salmon and white fish. All trout including lake trout, salmon, and lake whitefish may not be taken by commercial fishing devices including gill or pound nets. Any incidental catch of trout including lake trout, salmon and lake whitefish taken in legal sized gill or pound nets will be returned to the waters where taken if alive or if dead disposed of as directed by the Department of Conservation.

Section 4.7 Repealed.

Section 4.8 Open season — Mussels. Mussels may be taken only during the period of April 15 to September 30, both inclusive, and then only from sunrise to sunset and only by means of crowfoot bars or hand picking, except that in the Illinois River and Mississippi River, including adjoining back water lakes, mussels may be taken during the season provided by the additional means of hand rakes, hand forks, or hand dredges. Mussels shall be taken from State Fish Preserves established pursuant to this Act only upon written authorization from the Department.

Section 4.9 Size limit — Mussels. All mussels which are taken shall be not less than 2½ inches on the shortest line from the center of the hinge side and at a right angle across the shell to the outer edge.

Section 4.10 Commercial possession. Any person operating commercial fishing devices shall have in his possession only those species of fish specified in Sections 4.3 and 4.5.

Section 4.11 Regulation. Except as provided in Section 5.16 no person shall buy, sell or barter, or offer to buy, sell or barter, nor shall any commercial institution or any regularly operated refrigerated storage establishment, have

in its possession, fish, minnows, frogs, turtles or mussels protected by this Act except those species taken under the conditions and of such size described in Sections 4.12 and 4.13.

Section 4.12 Fish taken outside state and transported into state. When legally taken from waters wholly outside the jurisdiction of the State of Illinois and legally transported into the State of Illinois, any fish of a legal size in the place of origin shall be deemed to be of legal size in the State of Illinois provided that all containers in which such fish are contained or transported are clearly labeled as to the State and county of origin and further bear the name and mailing address of the party having transported the same into the State of Illinois; any such fish not labeled as herein provided shall be presumed to have been taken in the State of Illinois.

Section 4.13 Size limits — Fish taken wholly or in part within state. When taken from waters wholly or in part within the boundaries of the State of Illinois, the following species shall be not less in size than herein provided: bullhead or white catfish 7 inches in length dressed, or 9 inches in length undressed; any other species of catfish 10 inches in length dressed, or 13 inches in length undressed; freshwater drum 8 inches in length dressed or 10 inches in length undressed.

Section 4.14 Modification of regulations. The provisions of Sections 4.3 through 4.13 are subject to modification in the manner provided in Sections 1.4 and 1.5.

Section 4.15 Proof of taking within state — “Dressed” defined. Failure to establish proof of the legality of possession in another state or country and of importation into the State of Illinois of any of the fish, minnows, frogs, turtles or mussels protected by this Act, is prima facie evidence that all such fish, minnows, frogs, turtles or mussels were taken within the State of Illinois.

No fish shall be considered “dressed”, for the purposes of this Act, unless and until it shall have the head removed; except that lake trout and lake white fish shall have the head attached, and paddlefish, shovel-nose sturgeon shall have both the head and tail removed.

Section 4.16 Commercial fishermen — Record of catch — Inspection of record. Commercial fishermen and all other persons fishing in any of the waters wholly within the jurisdiction of this State with any of the commercial fishing devices as set forth in this Act shall keep an accurate record of their catch. This record, showing the species and number of pounds of fish taken, type of commercial devices used, and location from which taken, shall be open for inspection by the employees of the Department at all times. This information must be submitted to the Department on forms furnished for that purpose by the Department, and at such intervals as may be prescribed by the Department.

Section 4.17 Otter trawl. It is unlawful for any person to use any otter trawl or modified bag seine used in the manner of an otter trawl in any of the waters within the jurisdiction of this State; except that in the waters of Lake Michigan

under the jurisdiction of the State of Illinois, an otter trawl or other developmental commercial fishing gear operated by suitable boat or launch may be used in accordance with regulatory provisions provided by the Department as a cooperative measure with other States bordering the Great Lakes, including United States and Canadian governmental agencies.

Section 4.18 Release of fish — Permission. Any person who shall release any fish in any of the waters of this State shall first secure permission from the Department to do so, even though the owner of a body of water may obtain and stock fish for his pond or lake from a licensed fish dealer.

Section 4.19 Dragging nets toward shore. It shall be unlawful to pull, drag, haul or draw to, towards or near the shore of any body of water, or to or against a backstop, a net device of any kind except a seine.

Section 4.20 Nets or seines in Lake Michigan. It shall be unlawful to set or drag any net or seine except a minnow seine in Lake Michigan within one thousand (1000) yards of any pier or pillar or of the low water mark on the shore line.

Section 4.21 Dragging trot, set or throw line. It shall be unlawful to drag, pull or move through the water any trot, set or throw line in such manner as to snare or to cause hooks to be drawn into the body of the fish.

Section 4.22 Length and mesh sizes of seines. Except as provided in Section 5.1 through 5.5, any person may use a single seine not exceeding 100 yards in length of 1½ inch bar measurement, but in all seines over 100 yards in length it shall be unlawful at any time to use any mesh less than two inch bar measurement except that all seines over 100 yards in length may have a section of such seine not more than 300 feet in length of 1½ inch bar measurement. No seine shall be more than 1500 yards in length. If seines are more than 200 yards in length they must be operated with a backstop constructed of vertical slats not less than 1¼ inches apart or 3 inch bar measurement netting or of chicken wire or metallic cloths of not less than 1½ inches square and shall not be dragged or otherwise operated in less than 2 feet of water.

Section 4.23 Commercial devices near spillways, fishways, locks or dams. It shall be unlawful to use or operate any commercial devices within 300 yards below all spillways, fishways or locks or dams of any type or in such a manner as to obstruct more than one-half the width of any stream or watercourse.

Section 4.24 Seines for minnows or crayfish — Size of minnow nets and traps. It is unlawful to use a seine for the taking of minnows or crayfish which has mesh larger than ½ inch bar measurement or larger than 20 feet in length or 6 feet in depth, except minnow seines used in Lake Michigan and waters not designated as State fish preserves may be of any length but not more than 6 feet in depth with a bag not more than 6 feet in length.

Minnow traps are unlawful if they are more than 24 inches in width or diameter

or 36 inches in length or use a mesh more than ½ inch bar measurement. Minnow dip nets shall be unlawful if they are more than 48 inches in width or diameter.

Section 4.25 Basket traps. Except as provided in Sections 5.1 through 5.5, it is unlawful to use any basket trap other than a basket trap constructed of wood or plastic slats and a legal trap must have an unobstructed opening or openings in the rear end of the trap not less than 1½ inches square; or to use a hoop net of mesh less than 1 inch bar measurement, or attached wings and leads of a material smaller than number 9 twine.

Section 4.26 Mesh size of dip nets. It shall be unlawful to use any dip net having a mesh less than one and one-half (1½) inches bar measurement or more than fifteen (15) feet square or in diameter; except in Lake Michigan, the mesh shall not be less than one (1) inch bar measurement for taking perch, blackfins, chubs, herrings or longjaws.

Section 4.27 Live box or live net. All live boxes and live nets in which any species of fish protected by this Act is held shall be plainly labeled with the name and address of the owner.

Section 4.28 Gill or trammel net. It shall be lawful to use a gill or trammel net in the Mississippi River and in the Illinois River from its mouth up to the Illinois River bridge, Highway Route 89, including adjacent backwaters but not above the mouth of any stream, ditch, or tributary connected to such backwaters, provided, that no such trammel net shall have meshes less than 4 inches diagonally stretched measurement and no such gill net shall have meshes less than 8 inches diagonally stretched measurement. No such net shall be less than 100 nor more than 600 feet in length.

All trammel nets which are set in any body of water shall be under the immediate supervision of the operator, which may be the licensee or his employee, except when such nets are set under the ice or except from sunset to sunrise. Immediate supervision shall be defined as the operator being on the waters where such nets are set to be readily available to identify such nets to law enforcement officers empowered to enforce the provisions of this Act. It shall be unlawful for any employee on any one day to lift or attend nets of more than one licensee.

All trammel nets set under the ice shall be at a distance of not less than 100 yards from any natural opening in the ice.

Section 4.29 Gill nets — Use in Lake Michigan. Black fins, chubs, herring, longjaws, or yellow perch may only be taken by gill nets in Lake Michigan that have meshes of not more than 2¾ diagonal stretched measurement or less than 2⅝ inch diagonal stretched measurement, hung on a half basis, and set or lifted by use of a sail or row boat, tug or launch.

Section 4.30 Commercial fishermen — License in possession required — Loaning license — Disturbing licensed equipment. Licensed commercial fishermen shall be required to maintain all necessary licenses in their

possession for the various equipment being fished by the licensee or his employees and it shall be unlawful for any licensee to loan such licenses to any other individual for operation of fishing equipment. It shall be unlawful to disturb in any manner the licensed equipment of another person.

Section 4.31 Spacing of hooks on lines. All trot lines, throw lines or similar devices except trolley or power lines used in Lake Michigan shall have hooks spaced at intervals of not less than 24 inches.

Section 4.32 Tagging commercial gear — Necessity — Absence of tagging. It shall be the responsibility of each person licensed as a commercial fisherman to furnish and attach to each piece of commercial gear being used, a metal tag inscribed with the name and address of the licensee, and absence of this tagging shall be prima facie evidence that such commercial fishing device or devices are illegally used and the devices shall be confiscated and disposed of as directed by the Department.

Section 4.33 Proper method of mesh measurement. All net mesh measurements for linen, synthetic or nylon twine devices as set forth in this Act shall be determined by diagonal stretched measurement and shall mean the distance between the extreme angles of any single extended mesh, and such measurement shall be taken between and inside the knots with flexible steel rule constructed and used as prescribed by the United States Bureau of Standards. All net and seine mesh measurements for cotton twine as set forth in this Act shall be determined by bar measurement from the outside of one knot to the outside of the adjoining knot on the same thread or strand.

Section 4.34 Repealed.

Section 4.35 Consent of landowner. Any person taking or attempting to take fish, minnows, turtles, crayfish, or frogs by means of any device within the waters flowing over or standing on the land of another, shall first obtain the consent of the owner or occupant of the premises where such taking is done or attempted to be done, and further such persons taking or attempting to take fish, minnows, turtles, crayfish or frogs on another's property shall do so in such manner as to not cause wanton or careless injury to or destruction of any real or personal property on such premises.

ARTICLE V

Licenses and Permits — Exemptions

Section 5.1 Necessity of license — Exemptions — Courtesy non-resident license — Permits for handicapped persons. (a) Any person taking or attempting to take any fish, including minnows for commercial purposes, turtles, mussels, or frogs by any means whatsoever, in any waters or lands wholly or in part within the jurisdiction of the State, including that part of Lake Michigan under the jurisdiction of this State, shall first obtain a license to do so, and further, shall do so only during the respective periods of the year when it shall be lawful as provided in this Act; except that persons who are blind,

disabled, or 65 years of age or more or under 16 years of age or persons fishing at daily fee fishing areas licensed by the Department may fish with hook and line without being required to have a license. For the purpose of this Section a person is blind or disabled if he meets the definition of "blind person" or "disabled person" set forth in Section 3-1 of "The Illinois Public Aid Code", approved April 11, 1971, as now or hereafter amended.

(b) A courtesy non-resident license for taking fish may be issued at the discretion of the Director, without fee, to any person officially employed in the game and fish or conservation department of another state or of the United States who is within the State to assist or consult or cooperate with the Director; or to the officials of other states, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the State as guests of the Governor or Director.

(c) The Director may issue special fishing permits without cost to groups of Illinois hospital patients or handicapped persons for use on specified dates in connection with supervised fishing for therapy.

Section 5.1a Salmon Stamp. Any person who does not possess a Commercial Fishing License taking or attempting to take salmon shall, in addition to any other license required by this Act, first obtain a salmon stamp authorized by the Department. Persons not required to obtain a license are not required to obtain a salmon stamp.

Section 5.2 Permanent residents of lands from waters upon or over such lands — Exemptions. The owners, tenants or occupants of lands, actually residing on such lands and their children, parents, brothers, sisters, and other persons actually permanently residing with them have the right to take with a hook and line fish of the kind permitted to be taken or caught under this Act from waters lying upon or flowing over such lands without procuring licenses to do so. Any person on active duty with the armed forces of the United States who is now and who was at the time of entering the Armed Forces, a resident of Illinois and who entered such Armed Forces from this State, and who is presently on ordinary leave from the Armed Forces, has the right to catch or take with a hook and line fish permitted to be taken or caught by this Act without procuring a license. Any person exempt from license under this Section has only such authority and privileges in taking fish as are by this Act accorded to the holder of one license, and fishing by such exempt person may be done only during seasons when it is lawful.

Section 5.3 Non-resident licenses. Any persons 16 years of age or older not residents of the State of Illinois, shall, before taking or attempting to take any fish, frogs, turtles, or mussels protected by this Act, by any means whatsoever, in the State of Illinois, obtain a non-resident license to do so. In addition, before taking or attempting to take salmon, such non-resident shall obtain a salmon stamp authorized by the Department.

Section 5.4 Owner or tenants controlling artificial lakes — Taking fish except bass by nets, seines, etc. The owners residing on, or tenants of lands, encompassing artificial lakes of less than 30 acres, which belong to the

property and are supplied with waters from springs, surface drainage of intermittent streams, are permitted to catch or take any of the fish protected by this Act except largemouth, smallmouth, or spotted bass, with any size mesh hoop nets constructed of cotton, linen, or synthetic cord, or any size mesh seines not to exceed 100 yards in length, wire nets or baskets or traps, with or without wings, of any size mesh, from said ponds or lakes without obtaining any license for such devices. For the purpose of cropping and pond management, legal minnow seines may be used.

Any fish enumerated in Section 4.13 so taken may be disposed of by sale or barter. Any other fish so taken must be used on the property and may not be sold or bartered.

Section 5.5 Members of private clubs controlling artificial lakes — Taking fish except bass by nets, seines, etc. Licensed members of private clubs which own or control by lease any artificial lake of less than 30 acres not connected by permanent water with other ponds, lakes, streams, or rivers are permitted to catch or take any of the fish protected by this Act except largemouth, smallmouth, or spotted bass, with any size mesh hoop nets constructed of cotton, linen, or synthetic cord, or any size mesh seines not to exceed 100 yards in length, wire nets or baskets or traps, with or without wings, of any size mesh, without obtaining any license for such devices. For the purpose of cropping and pond management, legal minnow seines may be used. Any fish enumerated in Section 4.13 so taken may be disposed of by sales or barter. Any other fish so taken must be used on the property and may not be sold or bartered.

Section 5.6 Application — Issuance of license. No license shall be issued to use hook and line or trot line devices or any other fishing devices, and no salmon stamp shall be issued, until application has been made to the Department, or to any county, city, village, township, or incorporated town clerk, or any other person authorized or designated by the Department to issue such licenses and salmon stamps. Each clerk designating agents to issue licenses and salmon stamps shall furnish the Department within 10 days following the appointment, the names and mailing addresses of such agents. Such application shall be executed and sworn to and shall set forth the name and description of the applicant and place of residence. No such license or salmon stamp shall be issued except upon definite proof of identity and place of legal residence.

No clerk shall sell any such license or salmon stamp at any place other than within the territorial area for which he was elected or appointed. No duly designated agent is authorized to furnish licenses or salmon stamps for issuance by any other person or business establishment.

Section 5.7 Violations — Fines. Unless otherwise provided in this Act, any person who is found guilty of violating Sections 5.1 through 5.5, 5.6, or 5.20, shall be guilty of a petty offense and fined not less than \$10.00 nor more than \$50.00 for each offense, in the case of hook and line, and not less than \$15.00 nor more than \$100.00 for each offense, in the case of other devices.

Unless otherwise provided in this Act, any person who violates any of the other

provisions of this Act, including Administrative Orders, except Section 1.9, shall be guilty of a petty offense.

Section 5.8 License fees for residents. Fees for licenses for residents of the State of Illinois shall be as follows:

(a) Except as hereinafter provided, for sport fishing devices as defined in Section 3.19, or spearing devices as defined in Section 3.22, \$2.00;

(b) All residents before using any commercial fishing device shall obtain a Commercial Fishing License, the fee for which shall be \$5.00. The holder of such license shall thereafter be required to obtain a license for each and every commercial device employed as hereinafter set forth;

(1) For each 100 lineal yards of seine or fraction thereof, each minnow seine, minnow trap or net for commercial purposes, \$10.00;

(2) For each license to fish with a 100 hook trot line device, basket trap, hoop net, or dip net, \$1.50;

(3) When used in the waters of Lake Michigan, for the first 2000 lineal feet of gill net or fraction thereof, \$10.00; for each 1000 additional lineal feet or fraction thereof, \$1.50; these fees shall apply to all gill nets in use in the water or on drying reels on the shore;

(4) For the first 100 lineal feet of gill net in the Mississippi River or trammel net in the Mississippi River or Illinois River, \$3.00; for each additional 100 lineal feet of gill or trammel net, \$3.00;

(5) For taking mussels, including taking mussels by hand, \$5.00; a report of each year's activity will be required of each holder of a mussel license as directed by the Department;

(c) For hook and line devices, the fee for a service-connected disabled veteran, not otherwise exempt under this Section, receiving compensation from the Veterans' Administration (more than 10% disabled) or who has a disability which the Veterans' Administration considers to be disabling, but not compensable (less than 10% but more than 0% disabled), is 40 cents for a license, plus 10 cents for issuing fee;

All licenses provided for in this Section shall expire on March 31 of each year.

All persons required to have and failing to have the license provided for in subsection (a) of this Section shall be fined according to the provisions of Section 5.7 of this Act.

All persons required to have and failing to have the licenses provided for in subsection (b) of this Section shall be guilty of a petty offense. All persons required to have and failing to have the licenses provided for in subsection (c) of this Section shall be guilty of a petty offense and fined not less than \$5.00 nor more than \$15.00.

Section 5.8a Salmon stamp fee. The fee for a salmon stamp shall be \$2 for both resident and non-resident licensees. Such stamps shall expire on March 31 of each year. All persons required to have and failing to have a salmon stamp as provided in Section 5.1a of this Act, shall be guilty of a petty offense.

Section 5.9 License fees for non-residents. Fees for licenses for non-residents of the State of Illinois are as follows:

(a) For hook and line devices as defined by Section 3.19, or spearing devices as defined in Section 3.22, upon submitting suitable evidence of legal residence in another state, non-residents shall be charged the same fee for a fishing license to fish as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall such fee be less than \$6; and if the state of the applicant's residence does not provide for a non-resident fee to fish all species, then the fee shall be the minimum provided for in this paragraph. For hook and line devices as defined by Section 3.19, or spearing devices as defined in Section 3.22, for a period not to exceed 10 consecutive days fishing in the State of Illinois, \$4.

(b) All non-residents before using any commercial fishing device shall obtain a Non-Resident Commercial Fishing License, the fee for which shall be \$50. The holder thereof shall thereafter be required to obtain a license for each and every commercial device as hereinafter set forth:

(1) For each 100 lineal yards of seine or fraction thereof (excluding minnow seines), \$20;

(2) For each license to fish with a 100 hook trot line device, basket trap, hoop net, or dip net, \$3;

(3) When used in the waters of Lake Michigan, for each commercial fishing vessel, sail or row boat used in operating gill or pound nets, \$2,000;

(4) For each trammel net, \$40;

(5) For each gill net used in the Mississippi River, \$40.

All persons required to have and failing to have the license provided for in subsection (a) of this Section shall be fined pursuant to the provisions of Section 5.7 of this Act. Each person required to have and failing to have the licenses required pursuant to the provisions of subsections (b)(1), (b)(2), (b)(4), and (b)(5) of this Section shall, be guilty of a petty offense. All persons required to have and failing to have the license required pursuant to the provisions of subsection (b)(3) of this Section shall be guilty of a business offense and fined not less than \$2,000 nor more than \$5,000.

All licenses provided for in this Section shall expire on March 31 of each year; except that licenses for hook and line devices or spearing devices for a period not to exceed 10 consecutive days fishing in the State of Illinois as provided in paragraph (a) of this Section shall expire at midnight on the tenth day after issued, not counting the day issued.

Section 5.10 Reciprocal fishing. The Department of Conservation may in its discretion enter into reciprocal fishing agreements with the States of Missouri, Iowa, and Indiana to permit persons licensed by such States to fish in any of the running waters forming a boundary between such States and the State of Illinois and lying within the territorial jurisdiction of this State in the same manner and to the same extent that persons holding Illinois licenses may do if the laws of Missouri, Iowa, and Indiana, respectively, extend a similar privilege to persons licensed under the laws of this State. Such an agreement shall be

made subject, however, to the duties, responsibilities, and liabilities imposed on its own licensees by the terms of this Act and the laws of this State and shall be further subject to revocation at any time whenever such action shall be deemed necessary in the discretion of the Department of Conservation of this State. Such agreements shall not permit any person licensed thereunder to land on or attach to the banks of any of the aforesaid boundary waters of this State or to fish in any of the bayous, backwaters, or dead end sloughs of this State flowing into or connected with such boundary waters.

Section 5.11 Tags for devices. Each licensee of any of the devices or boats hereinabove named, other than a hook and line, shall receive from the person issuing such license a tag, furnished by the Department, which shall be attached to the device licensed in the following manner:

- (a) On a seine the insignia shall be attached to the brail or to the leader line adjoining the brail on either end of the seine;
- (b) Nets of any type shall be tagged with the insignia on the rear hoop, tail line or on the tail pole if a pole is used as part of the net device;
- (c) All other devices shall be tagged in such a position as to be at all times exposed to public view.

The Department may furnish hook and line licensees with such insignia as evidence of possession of licenses as the Department may consider advisable, and such insignia shall be exhibited and used as the Department may order.

Section 5.12 Fish dealers — Non-resident — Resident, wholesale, retail, separate.

(a) Non-resident fish, dealers.

Any person not a resident of Illinois, who sells or ships to other wholesalers, retailers, or consumers any of the fish, frogs, or turtles protected by this Act, whether from waters within or without the State is a non-resident fish dealer within the meaning of this Act.

All licenses issued to non-resident fish dealers are valid only in the location described and designated in the application for such license. Wholesalers may deliver their products by truck or common carrier of any type but must possess a separate license for each truck from which fish are being sold if business is solicited from such trucks.

Application for a non-resident fish dealer's license shall be made to and upon blanks furnished by the Department which shall be in such form as it may prescribe. The annual fee for a non-resident fish dealer's license shall be \$50.00. All such licenses shall expire on January 31, of each year.

Any person possessing a valid non-resident fish dealer's license, shall not be required to possess either a wholesaler's or a retailer's fish dealer's license as otherwise provided in this Section.

Non-residents, purchasing fish in Illinois for sale solely outside the State, are exempt from possessing a fish dealer's license if purchases are made from a licensed resident wholesale or retail fish dealer.

(b) Resident fish dealer's licenses.

Any person conducting a fish market, buying, selling, or shipping fresh or frozen fish, turtles, or frogs protected by this Act, whether from waters within or without the State, shall first procure a license from the Department to do so as hereinafter provided; except that any person selling live fish for stocking only or selling fish legally caught or taken by him to a resident license wholesale fish dealer is exempt from the provisions of this Section.

(1) Wholesale fish dealer's license.

Any resident of this State who, within the State of Illinois, conducts a wholesale fish market or who, as a wholesaler, sells or ships to any other wholesaler, retailer, or other commercial institution, fish, turtles, or frogs protected by this Act, whether from waters within or without the State, is a resident wholesale fish dealer in the meaning of this Act.

All licenses issued to resident wholesale fish dealers are valid only in the location described and designated in the application for license. Wholesalers may deliver their products by truck or other common carrier but must possess a separate license for each truck from which fish are being sold if business is solicited from such truck. Applications for resident wholesale fish dealer's licenses shall be made to, and upon blanks furnished by the Department, which shall be in such form as it may prescribe. The annual license fee for each wholesale fish dealer's license is \$25.00. All such licenses shall expire on January 31 of each year.

(2) Resident retail fish dealer's license.

Any resident of the State of Illinois, who, within the State of Illinois, sells or offers for sale for consumption, fresh or frozen fish, turtles, or frogs, protected by this Act, whether from waters from within or without the State is a retail fish dealer in the meaning of this Act.

All licenses issued to resident retail fish dealers are valid only in the location described and designated in the application for such license. Such retailers may deliver their products by truck or other common carrier but must possess a separate license for each truck from which fish are being sold if business is solicited from such truck.

Applications for resident retail fish dealer's licenses shall be made to, and upon blanks furnished by the Department, which shall be in such form as it may prescribe. The annual license for each resident retail fish dealer's license is \$5.00. All such licenses shall expire on January 31 of each year.

(3) Separate licenses.

A license shall be procured for each separate fish market or place of business operated by any wholesale or retail fish dealer, whether a resident or non-resident, and for each vehicle from which fish are sold and such licenses shall be conspicuously displayed at all times.

Section 5.13 Mussel dealer license — Fees. Any person, before receiving, buying, or offering to do so, or acting as an agent or broker in receipt or

purchase of mussels, within the State of Illinois, shall first obtain a permit from the Department to do so.

The fee for such permit for residents of the State of Illinois shall be \$25.00 a year and for non-residents of the State of Illinois, \$100.00 a year. Such permits shall expire on the 31st day of January of each year. A report of each year's activities of each person holding such a permit shall be required as directed by the Department.

Section 5.14 Minnow dealer's license — Wholesale — Retail — Penalties.

Any person who, within the State of Illinois, sells or offers for sale to any other wholesaler or retailer, live minnows, whether from waters within or without the State is a wholesale minnow dealer in the meaning of this Act; any person who, within the State of Illinois, sells or offers for sale for consumption, live minnows, whether from waters within or without the State, is a retail minnow dealer in the meaning of this Act; except that any person selling live minnows for stocking only or selling live minnows legally caught or taken by him to a licensed wholesale minnow dealer is exempt from the provisions of this Section.

Before any person commences activities as a wholesale minnow dealer, he shall first procure a license from the Department to do so; the fee for such license shall be \$25 and such license shall expire upon the 31st day of January of each year.

Before any person commences activities as a retail minnow dealer, he shall first obtain a license from the Department to do so; the fee for such license shall be \$5 and all such licenses shall expire upon the 31st day of January of each year.

(b) Only persons who are actual residents of the State of Illinois shall be permitted to transport live minnows obtained in the State of Illinois across any of the borders of the State of Illinois. Such persons shall be interstate minnow dealers in the meaning of this Act. Before any resident of the State of Illinois shall commence activities as an interstate minnow dealer, he shall first obtain a license from the Department to do so; the fee for such license shall be \$500 and each such license shall expire on the 31st day of January of each year. The provisions of this Section shall not apply to a resident of the State of Illinois possessing a valid hook and line license and any such person shall be permitted to transport not more than 6 dozen live minnows obtained in Illinois across the borders of the State of Illinois.

(c) The Department is authorized to establish restrictive regulations as may be deemed necessary in the handling of minnows in order to protect the resource as well as the public's interest.

(d) A wholesale or retail minnow dealer may sell for bait any species of frog. These frogs may only be obtained from the holder of a fish, minnow, or frog breeder's license, or from States where it is legal to obtain frogs for shipment to Illinois, or any frogs taken legally during the open season provided in Illinois.

(e) Any person violating the provisions of subsection (b) or administrative orders established pursuant to subsection (c) of this Section shall be guilty of a

business offense and fined not less than \$1000 nor more than \$5000. Persons violating subsections (c) and (d) of this Section shall be subject to the penalty provisions of Section 5.7 of this Act.

Section 5.15 Taxidermist permit. Before any person shall engage in the business of taxidermy as it relates to fish, he shall first procure a permit from the Department to do so.

Any person shipping any fish lawfully taken to a licensed taxidermist shall tag or label such shipment and such tag or label shall state the number and species of fish contained in the shipment, the name and address of the shipper, the name and address of the taxidermist and a statement that such fish were lawfully taken or killed and are shipped for the purpose of being preserved and mounted by the art of taxidermy.

All persons licensed as taxidermists under this Act who shall ship any fish that have been received, preserved or mounted shall tag or label such shipment and such tag or label shall state the name of the taxidermist and the number and date of his or her license.

It is the duty of each holder of a taxidermist license under this Act to make to the Department, within 30 days after the expiration of his or her license, a report in writing upon blanks furnished by the Department. Such report shall show the name and address of all persons from whom specimens were received, the kinds of specimens offered for mounting, the type of work furnished by the taxidermist, and any other information which the Department may require.

The annual fee for a taxidermist license shall be \$5.00 and the same shall expire on the 31st day of January of each year.

Section 5.16 Fish, minnow or frog breeder's permit. Any person who shall engage in the breeding, hatching, propagation, and selling of fish, minnows, or frogs shall first procure a permit from the Department to do so. The Department shall issue a hatchery permit, permitting the applicant to breed, hatch, and propagate fish, minnows, or frogs, and to sell the same for breeding or propagation purposes. Fish specified, which are bred, hatched, or propagated by a person holding a permit as provided for in this Section, may be transported and sold for food. Permittees who sell fish propagated under this permit must also possess the required fish dealers license.

Records of the seasons' operation as may be required by the Department shall be forwarded to the Department prior to the expiration date of the permit.

Nothing in this Section shall be construed to give such permittees authority to take fish or frogs in their wild or natural state, contrary to other provisions of this Act, or to remove such permittee from responsibility for the observance of any Federal laws, rules, or regulations which may apply to such fish, minnows, or frogs.

The annual fee for such a permit shall be \$10.00 and the same shall expire on the 31st day of January of each year.

Section 5.17 Daily fee fishing pond — Application for license — Fee. Any

person owning, holding, or controlling by lease a water area including access to this water area, and who desires to establish a daily fee fishing pond shall make application to the Department for a license as herein provided. Upon receipt of such application, the Department shall inspect the proposed licensed area described in such application, the size and number of ponds, source of fish for stocking ponds, species of fish to be stocked and determine the ability of the applicant to properly supervise a property of this character. If the Department finds that the area is suitable for the purpose intended and that the operation of such property is not a menace, or being established contrary to the laws of this State and that the operations of such daily fee fishing area will not work a fraud upon persons utilizing the facilities thereon, and that the issuing of the license will be in the public interest, the Department shall approve such application and issue a license to operate a "Daily Fee Fishing Pond Area" as described in the application. The operator of a licensed Daily Fee Fishing Pond Area shall issue a "daily catch slip" to each fisherman for any species of fish taken from such ponds for which there is a size limit or daily limit provided for that specie taken from any waters.

The fee for a license issued under the provisions of this Section shall be \$10.00 annually, and such license shall expire on January 31 of each year.

Records of the seasons operations, as may be required by the Department, shall be forwarded to the Department by the licensee within 30 days after the expiration date of the license.

The Department may either refuse to issue, refuse to renew, may suspend or may revoke any license issued under the provisions of this Section if the Department finds that such licensed area or the operator thereof is not in compliance with the provisions of this Section; however, the Department shall not refuse to issue, renew, suspend, or revoke any license for any cause, unless the licensee affected is given at least 15 days notice, in writing, of the reasons for the action of the Department and given an opportunity to appear before the Department or a representative thereof in opposition to the action of the Department.

Section 5.18 Scientific permit. Permits may be granted by the Department to any properly accredited person of the age of 18 years and upwards permitting the collection for strictly scientific purposes of any of the fauna now protected under this Code, and their nests, eggs, and spawn.

The application for such a permit shall be approved by the Fishery Divisions of the Department.

The holder of each such permit shall make to the Department, within 30 days after the expiration of his or her permit, a report in writing upon blanks furnished by the Department.

Section 5.19 Revocation of license or permit — Refusal to issue. Whenever a license or permit is issued to any person under the provisions of this Act, and the holder thereof is found guilty of any misrepresentation in obtaining such license or permit, or of a violation of any of the provisions of this Act, including administrative orders, his license or permit may be revoked by the Department, and the Department may refuse to issue any permit or license to such person for the period of one year following such revocation.

Section 5.20 License or permit in possession of person to whom issued. Every person holding any license or permit issued under the provisions of this Act shall have the same in his or her possession for immediate presentation for inspection to the authorized employees of the Department, to any sheriff, deputy sheriff, or any other peace officer, making demand for the same within his jurisdiction.

Section 5.21 Form of license or permit. Licenses, salmon stamps and permits authorized to be issued under the provisions of this Act shall be prepared by the Department and shall be in such form as prescribed by the Department; further, the information required on each license shall be completed thereon by the issuing agent or his sub-agent at the time of issuance and each license shall be signed by the licensee and counter-signed by the issuing agent or his sub-agent at the time of issuance; all such licenses shall be supplied by the Department, subject to such rules and regulations as the Department may prescribe. Any license not properly prepared, obtained, and signed as required by the provisions of this Act shall be void.

Section 5.22 Licenses for sale — Reports and remittances — Service fees — Liability of clerk or agent — Bond. Any person receiving licenses from the Department for sale as provided herein, shall execute and deliver receipts therefor; shall, on date specified by the Department report in writing to the Department the number and kinds of licenses sold, and shall, with such report, make remittance to the Department covering the amounts due it from such sales. Failure on the part of any clerk or agent to fully comply with the provisions of this Act, including Administrative Orders, shall be justification for the Department to cancel or withdraw the issuance of licenses through such clerk or agent. A salmon stamp shall be deemed a license for the purpose of this section.

(a) Any person appointed or designated by the Department or any county, city, village, township, or incorporated town clerk, in any county, city, village, township, or incorporated town of less than 500,000 inhabitants issuing licenses provided for in this Act may add the fees provided in paragraph (b) as his or her fee for issuing such licenses. Provided, however, if the corporate authorities of such village, township, or incorporated town so direct by ordinance, such clerks shall remit to the treasurer of the political sub-division of which he is an officer or employee, the added fees provided in paragraph (b). In counties, villages, cities, townships, or incorporated towns of more than 500,000 inhabitants the clerk issuing such licenses shall remit to the treasurer of the political sub-division of which he is an officer, the added fees provided in this Section. However, the clerk may deduct from such remittance all costs and expenses incurred by him in issuing such licenses.

(b) Any person authorized to issue licenses pursuant to the provisions of sub-section (a) hereof may add to the license fee a fee of 25¢ for each license issued.

(c) No person, other than any county, city, village, township, or incorporated town clerk, or person appointed or designated by the Department, may charge a service fee for issuing licenses provided for in this Act, but the charging of

fees for issuing such licenses in excess of the fees authorized is a petty offense.

(d) All fees collected from the sale of licenses and permits and not remitted to the Department as provided in this Section, shall be deemed to have been embezzled and the person or officer responsible for such remittance is subject to prosecution. No person handling or selling licenses is required to remit for any license now or hereafter stolen, by means of forcible entry, or destroyed by a fire in the premises where such licenses are kept, if he submits an affidavit to the Department describing the circumstances of such theft or cause of such destruction and listing therein the type and numbers of the licenses so stolen or destroyed.

(e) Within 30 days after the expiration of the time in which any class of license is usable, payment for licenses sold shall be made to the Department and the respective persons possessed of unused forms thereof shall return them to the Department by express, with express charges collect.

(f) No person is permitted to make deductions from remittances sent to the Department for postage, or for the cost of, or fees for, drafts or money orders.

(g) Any county, city, village, township, or incorporated town clerk handling or selling licenses as provided in this Section is liable to the State personally. All other persons designated or appointed by the Department to handle or sell licenses as provided in this Section shall before receiving such licenses for sale file with the Department a bond in an amount specified by the Department on a form to be approved by and with a surety or sureties satisfactory to the Department conditioned upon such person or persons paying to the State of Illinois all monies becoming due by reason of the sale of the licenses.

(h) No person shall falsify, alter, or change in any manner, or loan or transfer to another, any license, permit or tag issued under the provisions of this Section, or falsify any records required by this Act or counterfeit or duplicate any form of license, permit or tag provided for by this Act; any person who shall violate the provisions of this sub-section shall be subject to the penalty provisions of Section 5.7 of this Act.

ARTICLE VI

Fish and Mussel Preserves — Transportation of Fish

Section 6.1 Fish preserves — Prohibition of fishing or fishing devices — Commercial fishing — Regulation of devices. All waters in the State including boundary waters under jurisdiction of the State, Lake Michigan, Mississippi River, and the Wabash River shall be fish preserves.

Hook and line or sport fishing up to 50 hooks and the exception of Section 3.22 of this Act are the only lawful means of taking fish.

The Department of Conservation, however, has the authority through administrative order to prohibit all sport fishing or certain sport fishing devices in designated waters and also the authority through administrative order to allow commercial fishing in designated waters by regulating commercial

fishing devices used in the interest of the total management of the fishery resource.

Section 6.2 Mussel preserves — Establishment. The Department may, from time to time, when it shall deem feasible for the conservation of mussels, by administrative order prescribe waters to be known as mussel preserves, from which mussels shall not be taken, for any purpose, during such periods of time as in its opinion may be required to restore to such waters a supply of mussel life.

Notices of mussel preserves so established shall be inserted once in a newspaper regularly published in each of the counties in which the waters designated are located, or if there be no newspaper published in any such county, publication of such notice shall be made in a newspaper published in the county nearest to such waters.

Section 6.3 Destruction of posted notices. It shall be unlawful for any person to deface, obliterate, tear down, or destroy, in whole, or in part, or attempt to deface, obliterate, tear down or destroy any notice or proclamation posted pursuant to the provisions of this Act; any person violating the provisions of this Section shall be subject to the penalties provided for in Section 36 of this Act.

Section 6.4 Shipment of fish — Licenses numbers, labels and tags. Except as provided in Sections 1.6, 5.15, and 5.16, any railroad company, express company, steamboat company, or other common carrier, before receiving any fish, minnows, frogs, turtles, or mussels protected by this Act, for shipment from any person, shall require that such person present a valid wholesale fish dealers license as provided for in this Act.

Any person placing the same shipment as above described or transporting in any other manner shall attach to every box, barrel, crate, or other receptacle containing fish, minnows, turtles, or frogs, a tag showing the different varieties of fish, minnows, turtles, or frogs contained therein, the number of pounds of each variety, the name and place of business of the consignor, and of the consignee, and the number of the wholesale fish dealers license.

All labels or tags attached to any box, barrel, crate, or other receptacle in which fish, minnows, turtles, or frogs are shipped, shall be accurate as to the information required by this Section and shall be conspicuously displayed thereon; any person who shall falsify any label or tag required herein or attempt to do so or who shall conceal or attempt to conceal the information hereinabove provided or shall in any other manner violate the provisions of this Section, shall be subject to the penalty provisions of Section 36 of this Act. It shall be lawful for any person to carry with him or transport as baggage on any train or conveyance for which he or she has purchased a transportation ticket, not more than one package at any one time containing not more than the possession limit of fish, minnows, turtles, or frogs as provided in this Act. When such package is offered as baggage, the same shall be plainly labeled to show the name of the person transporting the same and the place to which it is being transported.

It is unlawful for transportation companies or common carriers knowingly to transport into this State from without the State any fish, minnows, turtles, or frogs protected under the provisions hereof, illegally taken and shipped contrary to any laws, rules, and regulations of the State of origin.

Section 6.5 Constitutionality. Should any court of competent jurisdiction hold any section, sub-division, clause, phrase, or provision of this Act to be unconstitutional or invalid for any reason whatsoever, such holdings shall not affect the validity of the remaining of this Act.

Section 6.6 Repealed.

CHAPTER 95½—MOTOR VEHICLES

BOAT REGISTRATION AND SAFETY ACT

ARTICLE I

Definitions — Application — Jurisdiction

- Sec. 311-1. Title and declaration of intent.
- Sec. 311-2. Definitions.
- Sec. 311-3. Application and jurisdiction.

ARTICLE II

Enforcement — Inspection — Prosecutions

- Sec. 312-1. Enforcement.
- Sec. 312-2. Inspection.
- Sec. 312-3. Prosecutions.
- Sec. 312-4. Resistance to officers.
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ARTICLE III

Registration of Motorboats and Sailboats Over 12 Feet in Length

- Sec. 313-1. Operation of unnumbered motorboats and sailboats over 12 feet in length, unlawful.
- Sec. 313-2. Identification number application.
- Sec. 313-3. Identification number display.
- Sec. 313-4. Destruction, sale, transfer or abandonment.
- Sec. 313-5. Transfer of identification number.
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ARTICLE IV

Motorboat Equipment

- Sec. 314-1. Life preservers.
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- Sec. 314-3. Mufflers.
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ARTICLE V

Operation of Motorboats

- Sec. 315-1. Careless operation.
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- Sec. 315-2.1 Age of operators limited.
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- Sec. 315-4. Overloading.
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ARTICLE I

Definitions — Application — Jurisdiction

Section 311-1. Title and declaration of intent. This Act shall be known and may be cited as the "Boat Registration and Safety Act." It is the policy of this State to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto.

Section 311-2. Definitions. As used in this Act, unless the context clearly requires a different meaning:

"Vessel" or "Watercraft" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

"Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but does not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any Federal agency successor thereto.

"Sailboat" means any watercraft propelled by sail or canvas. For the purposes of this Act, any watercraft propelled by both sail or canvas and machinery of any sort shall be deemed a motorboat when being so propelled.

"Airboat" means any boat (but not including airplanes or hydroplanes) propelled by machinery applying force against the air rather than the water as a means of propulsion.

"Lifeboat" means a small boat kept on board a larger boat for use in emergency.

"Owner" means a person, other than lien holder, having title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

"Waters of this State" means any water within the jurisdiction of this State.

"Person" means an individual, partnership, firm, corporation, association, or other entity.

"Operate" means to navigate or otherwise use a motorboat or vessel.

"Department" means the Department of Conservation.

"Competent" means capable of assisting a skier in case of injury or accident.

"Personal flotation device" or "PFD" means a device that is approved by the Commandant, U.S. Coast Guard, under Part 160 of Title 46 of the Code of Federal Regulations.

"Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented or chartered to another for noncommercial use.

"Underway" applies to a vessel or watercraft at all times except when it is moored at a dock or anchorage area.

"Use" applies to all vessels on the waters of this State, whether moored or underway.

Section 311-3. Application and jurisdiction. The Department shall, for the purposes of this Act, have full and complete jurisdiction of all waters within the boundaries of the State of Illinois, subject only to the paramount authority of the Federal Government with reference to the navigation of such stream or streams and further subject to such powers as may be granted to political subdivisions of the State. Wherever the provisions of this Act conflict with the laws and regulations of the Federal Government, the laws and regulations of the Federal Government shall take precedence.

ARTICLE II

Enforcement — Inspection — Prosecutions

Section 312-1. Enforcement. It is the duty of all Conservation Police Officers and other employees of the Department designated by the Director to enforce this Act, and all sheriffs, deputy sheriffs and other police officers to arrest any person detected in violation of any of the provisions of this Act. It is further the duty of all such officers to make prompt investigation of any violation of the provisions of this Act reported by any other person, and to cause a complaint to be filed before the circuit court if there seems just ground for such complaint and evidence procurable to support the same.

Section 312-2. Inspection. A. Agents of the Department or other duly authorized police officers may board and inspect any boat at any time for the purpose of determining if this Act is being complied with. If the boarding officer or agent discovers any violation of this Act, he may issue a summons to the operator of the boat requiring that the operator appear before the circuit court for the county within which the offense was committed.

B. Every vessel subject to this Act, if under way and upon being hailed by a designated law enforcement officer, must stop immediately and lay to.

C. Agents of the Department and other duly authorized police officers may enforce all federal laws and regulations which have been mutually agreed upon by the federal and state governments and are applicable to the operation of watercraft on navigable waters and federal impoundments where concurrent jurisdiction exists between the federal and state governments.

Section 312-3. Prosecutions. All prosecutions under the provisions of this Act shall be brought in the name and by the authority of the People of the State of Illinois before the circuit court having jurisdiction under the law relative to the enforcement of the provisions hereof. It is the duty of all State's Attorneys

to enforce the provisions of this Act in their respective counties, and to prosecute all persons charged with violating the provisions hereof.

Section 312-4. Resistance to officers. It is unlawful for any person to resist or obstruct any officer or employee of the Department in the discharge of his duties under the provisions hereof.

Section 312-5. False Representation. It is unlawful for any person to represent himself falsely to be an officer or employee of the Department or to assume to act as such without having been duly appointed and employed as such.

ARTICLE III

Registration of Motorboats and Sailboats Over 12 Feet in Length

Section 313-1. Operation of unnumbered motorboats, and sailboats over 12 feet in length, unlawful. Every motorboat, and sailboat over 12 feet in length, on waters within the jurisdiction of this State shall be numbered. No person may operate or give permission for the operation of any such motorboat or sailboat on such waters unless the motorboat or sailboat is numbered in accordance with this Act, or in accordance with applicable Federal law, or in accordance with a Federally-approved numbering system of another State, and unless (1) the certificate of number awarded to such motorboat or sailboat is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat or sailboat.

Section 313-2. Identification number application. The owner of each motorboat, or sailboat over 12 feet in length, requiring numbering by this State shall file an application for number with the Department on forms approved by it. The application shall be signed by the owner of the motorboat or sailboat and shall be accompanied by a fee of \$4.

Upon receipt of the application in approved form, the Department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat or sailboat and the name and address of the owner.

Section 313-3. Identification number display. The owner shall paint on or attach to both sides of the bow (front) of a motorboat, or sailboat over 12 feet in length, the identification number, which shall be of block characters at least 3 inches in height. The figures shall read from left to right, be of contrasting color to their background, and be maintained in a legible condition. No other number shall be displayed on the bow of the boat. In affixing the number to the boat, a space or a hyphen shall be provided between the IL and the number and another space or hyphen between the number and the letters which follow. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat or sailboat for which issued, whenever such motorboat or sailboat is in operation. On vessels of unconventional design or so constructed that it is impractical or impossible to display identification

numbers in a prominent position on the forward half of their hulls or permanent substructures, numbers may be displayed in brackets or fixtures firmly attached to the vessel. Exact positioning of the numbers in brackets or protruding fixtures shall be discretionary with vessel owners, providing the numbers are placed on the forward half of the vessel and meet the standard requirements for legibility, size, style and contrast with the background.

Section 313-4. Destruction, sale, transfer or abandonment. The owner of any motorboat, or sailboat over 12 feet in length, shall within 15 days notify the Department if the motorboat or sailboat is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons. In all such cases, the notice shall be accompanied by a surrender of the certificate of number. When the surrender of the certificate is by reason of the motorboat or sailboat being destroyed or abandoned, the Department shall cancel the certificate and enter such fact in its records. The Department shall be notified in writing of any change of address. Should the owner desire a new certificate of number, showing the new address, he shall surrender his old certificate and notify the Department of the new address, remitting \$1 to cover the issuance of a new certificate of number. If the surrender is by reason of a sale or transfer either wholly or in part to another person or persons, the owner surrendering the certificate shall state to the Department, under oath, the name of the purchaser or transferee.

Section 313-5. Transfer of Identification Number. The purchaser of a motorboat, or sailboat over 12 feet in length, shall, within 15 days after acquiring same, make application to the Department for transfer to him of the certificate of number issued to such motorboat or sailboat, giving his name, address and the number of such boat. The fee is \$2 for the transfer of any unexpired time on a certificate but, when less than 6 months remain to the expiration date, the purchaser shall apply for a transfer-renewal for a fee of \$4 for approximately 2 years. All transfers will bear June 30 expiration dates in the calendar year of expiration. An application for transfer accompanied by a \$4 fee will automatically be accepted for a transfer-renewal for 2 years from the nearest June 30. Upon receipt of the application and fee, the Department shall transfer the certificate of number issued to such motorboat or sailboat to the new owner.

Unless such application is made and fee paid within 30 days, such motorboat or sailboat shall be deemed to be without certificate of number and it shall be unlawful for any person to operate such motorboat or sailboat until the certificate is issued.

Section 313-6. Conformity with United States Government. In the event that an agency of the United States Government has in force an over-all system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this Act by the Department shall be in conformity therewith.

Section 313-7. Loss of certificate. Should a certificate of number or registration expiration decal become lost, destroyed, or mutilated beyond legibility, the owner of the motorboat or sailboat shall make application to the Depart-

ment for the replacement of the certificate or decal, giving his name, address, and the number of his boat and shall at the same time pay to the Department a fee of \$1.

Section 313-8. Department records. All records of the Department made or kept pursuant to this Article shall be public records with the exception of registration information or records declared non-public by law.

Section 313-9. Certificate of Number. Every certificate of number awarded pursuant to this Act shall continue in full force and effect for approximately 2 years unless sooner terminated or discontinued in accordance with this Act. All new certificates issued will bear June 30 expiration dates in the calendar year 2 years after the issuing date.

All certificates shall be renewed for 2 years from the nearest June 30 for a fee of \$4. All certificates will be invalid after July 15 of the year of expiration. All certificates expiring in a given year shall be renewed between January 1 and June 30 of that year, in order to allow sufficient time for processing.

The Department shall issue "registration expiration decals" with all new certificates of number, all certificates of number transferred and all certificates of number renewed. The decals issued for each year shall be of a different and distinct color from the decals of each other year currently displayed. The decals shall be affixed to each side of the bow of the motorboat or sailboat in the manner prescribed by the rules and regulations of the Department.

The Department shall fix a day and month of the year on which certificates of number due to expire shall lapse and no longer be of any force and effect unless renewed pursuant to this Act.

No number or registration expiration decal other than the number awarded or the registration expiration decal issued to a motorboat or sailboat or granted reciprocity pursuant to this Act shall be painted, attached, or otherwise displayed on either side of the bow of such motorboat or sailboat.

A person engaged in the operation of a licensed boat livery or the manufacture or sale of motorboats, or sailboats over 12 feet in length, of a type otherwise required to be numbered hereunder, upon application to the Department upon forms prescribed by it, may obtain certificates of number for use in the testing or demonstrating of such motorboat or sailboat upon payment of \$4 for each registration. Certificates of number so issued may be used by the applicant in the testing or demonstrating of motorboats or sailboats by temporary placement of the numbers assigned by such certificates on the watercraft so tested or demonstrated. Such temporary placement of numbers shall otherwise be as prescribed by this Act.

Section 313-10. Registration list. A boat registration list may be furnished for official use at no charge only to such federal, state, county and municipal enforcement agencies as may require such data.

Section 313-11. Penalty. No person shall at any time falsely alter or change in any manner a certificate of number issued under the provisions hereof, or

falsify any record required by this Act, or counterfeit any form of license provided for by this Act.

Section 313-12. Exemption from numbering provisions of this Act. A motorboat, or sailboat over 12 feet in length, shall not be required to be numbered under this Act if it is:

A. Already covered by a number in full force and effect which has been awarded to it pursuant to Federal law or a Federally-approved numbering system of another State, if such boat will not be within this State for a period in excess of 60 consecutive days.

B. A motorboat or sailboat from a country other than the United States temporarily using the waters of this State.

C. A motorboat or sailboat whose owner is the United States, a State or a subdivision thereof, and used solely for official purposes and clearly identifiable.

D. A ship's lifeboat.

E. A motorboat or sailboat belonging to a class of boats which has been exempted from numbering by the Department after such agency has found that an agency of the Federal Government has a numbering system applicable to the class of motorboats or sailboats to which the motorboat or sailboat in question belongs and would be exempt from numbering if it were subject to the Federal law.

F. Motorboats while competing in any race previously arranged and announced, or if such boats be designed and intended solely for racing while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race. Testing of motorboats incidental to tuning up of the boats and engines for the race may be accomplished only after obtaining the permission of the local conservation officer.

Sec. 313-13 Hull identification number. Any watercraft manufactured after the effective date of this amendatory Act shall have a hull identification number carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side of the end of the hull that bears the rudder or other steering mechanism, above the water line in such a way that alteration, removal, or replacement would be obvious and evident. Any individual who manufactures any watercraft, either for private or public use, shall apply to the Department of Conservation for issuance of a Hull Identification Number and shall affix such number to watercraft as required by the rules and regulations of the Department.

ARTICLE IV

Motorboat Equipment

Section 314-1. Personal flotation devices.

A. It is unlawful to operate any recreational boat less than 16 feet in length or a canoe or kayak unless at least one Coast Guard approved PFD of the

following types or their equivalent is on board for each person: Type I, Type II, Type III or Type IV.

B. No person may use a recreational boat 16 feet or more in length unless at least one Coast Guard approved PFD of the following types or their equivalent is on board for each person: Type I, Type II or Type III.

C. No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one Type IV Coast Guard approved PFD or its equivalent is on board in addition to the PFD's required in paragraph B of this Section.

D. When assisting a person on waterskis, aquaplane or similar device, there must be one U.S. Coast Guard approved lifesaving device on board for each person being assisted or towed.

E. No person may use a recreational boat unless each device required by this Section is:

1. Readily accessible;
2. In servicable condition;
3. Of the appropriate size for the person for whom it is intended; and
4. Legibly marked with the U.S. Coast Guard approval number.

F. Approved personal flotation devices are defined as follows:

Type I — A Type I personal flotation device is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and to have more than 20 pounds of buoyancy.

Type II — A Type II personal flotation device is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and to have at least 15½ pounds of buoyancy.

Type III — A Type III personal flotation device is an approved device designed to keep a conscious person in a vertical or slightly backward position and to have at least 15½ pounds of buoyancy.

Type IV — A Type IV personal flotation device is an approved device designed to be thrown to a person in the water and not worn. It is designed to have at least 16½ pounds of buoyancy.

Section 314-2. Lights. A. It is unlawful to operate any vessel less than 26 feet in length unless the following lights are carried and displayed when underway from sunset to sunrise:

1. A bright, white light aft to show all around the horizon, visible for a distance of 2 miles. The word "visible" as used herein means visible on a dark night with clear atmosphere.
2. A combination light in the forepart of the boat lower than the white light aft, showing green to starboard and red to port, so fixed as to throw a light from

dead ahead to 2 points abaft the beam on their respective sides and visible for a distance of not less than 1 mile.

3. Lights under International Rules may be shown as an alternative to the above requirements.

B. Watercraft propelled by muscular power when underway shall carry on board from sunset to sunrise, but not fixed to any part of the boat, a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of 2 miles or more, and shall display such lantern in sufficient time to avoid collision with another watercraft.

C. Every vessel 26 feet or more in length shall carry and display when underway such additional or alternate lights as shall be required by the U. S. Coast Guard for watercraft of equivalent length and type.

D. Sailboats equipped with motors and being propelled partly or solely by such motors shall carry and display the same lights required for motorboats of the same class. Sailboats of less than 26 feet in length, equipped with motors but being propelled entirely by sail between sunset and sunrise, shall have lighted the combination running light, but not the white light aft. Sailboats 26 feet or more in length, equipped with motors but being propelled entirely by sail between sunset and sunrise, shall have lighted the colored side lights suitably screened, but not the white lights prescribed for motorboats.

E. Dinghies, tenders and other watercraft, whose principal function is an auxiliary to other larger watercraft, when so operating need carry only a flashlight visible to other craft in the area, anything in this Section to the contrary notwithstanding.

F. Vessels at anchor between the hours of sunset and sunrise, except those in a "Special Anchorage Area", shall display such anchor lights as shall be required by the U. S. Coast Guard for watercraft of equivalent length and type.

G. Watercraft operated manually or by motor which are located on bodies of water where motors of over 7½ horsepower are prohibited must be equipped during the hours between sunset and sunrise with a lantern or flashlight which is capable of showing a beam for 2 miles, anything in this Section to the contrary notwithstanding.

Section 314-3. Mufflers. Except in case of a motorboat actually competing in a race or regatta sanctioned by the Department, it is unlawful to use a boat propelled in whole or in part by gas, gasoline or naphtha unless the same is provided with a stock factory muffler, underwater or other modern devices capable of adequately muffling the sounds of the exhaust of the engine. The phrase "adequately muffling" shall mean that the motor's exhaust at all times be so muffled or suppressed as not to create excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine shall be considered an adequate muffling device.

Section 314-4. Whistles. It is unlawful to operate a motorboat without a mouth, hand or power operated whistle, horn or other appliance, capable of producing a blast of 2 seconds or more duration and audible for at least one-half mile.

Section 314-5. Fire extinguisher. It is unlawful to operate a motorboat anywhere in this State without at least one U.S. Coast Guard approved fire extinguisher, so placed as to be readily accessible and in such condition as to be ready for immediate and effective use.

Section 314-6. Carburetor arrestors. Carburetors on all engines of motorboats other than those propelled by a detachable outboard motor shall be fitted with or protected by a U.S. Coast Guard approved device for arresting backfire.

Section 314-7. Ventilators. Except for open boats, all motorboats which use fuel having a flashpoint of 110 degrees Fahrenheit or less shall have at least 2 ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

Section 314-8. Sirens and flashing lights. It shall be unlawful for any person to use a motorboat equipped with a siren or to use any red or blue flashing light, except duly designated patrol boats, and such siren or flashing lights used in violation of this section shall be considered a public nuisance subject to confiscation and disposal as determined by a competent court of jurisdiction.

Section 314-9. Sealing of marine heads. No marine head (toilet) on any boat or watercraft operated upon waters of a State-Federal impoundment reservoir, may be so constructed and operated as to discharge any sewage into the waters directly or indirectly.

Section 314-10. Battery Covers. Every motorboat equipped with storage batteries shall be provided with suitable supports and secured against shifting with the motion of the boat. Such storage batteries shall be equipped with non-conductive shielding means to prevent accidental shorting of battery terminals.

ARTICLE V

Operation of Motorboats

Section 315-1. Careless operation. No person shall operate any motorboat in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the motorboat to a stop within the assured clear distance ahead.

Section 315-2. Reckless operation. No person shall operate any motorboat,

or manipulate any water skis, aquaplane, or similar device in such a manner as to endanger the life or limb, or damage the property of any person.

Section 315-2.1 Age of operators limited. No person under 12 years of age may operate any watercraft propelled by a motor of 10 horsepower or more. Further, no person under 12 years of age may operate any watercraft propelled by a motor of less than 10 horsepower unless they are accompanied in the watercraft by a person of at least 18 years of age.

Section 315-3. Interference with navigation. No person shall operate any watercraft in a manner which unreasonably or unnecessarily interferes with other watercraft or with the free and proper navigation of the waterways of the State. Anchoring under bridges or in heavily traveled channels constitutes such interference if unreasonable under the prevailing circumstances.

Section 315-4. Overloading. A. No motorboat may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions.

B. Capacity plates. (1) Every vessel less than 26 feet in length, designed to carry 2 or more persons and to be propelled by machinery as its principal source of power or designed to be propelled by oars shall, if manufactured or offered for sale in this State, have affixed permanently thereto by the manufacturer a capacity plate as required by this Section. As used in this Section, "manufacture" means to construct or assemble a vessel or alter a vessel in such manner as to change its weight capacity.

(2) A capacity plate shall bear the following information permanently marked thereon in such manner as to be clearly visible and legible from the position designed or normally intended to be occupied by the operator of the vessel when under way:

a. For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:

1. For total weight of persons, motor, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

2. The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance may such presumed weight per person be less than 150 pounds.

3. Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and associated equipment is considered to be part of total weight capacity.

4. The maximum horsepower of the motor the vessel is designed or intended to accommodate.

b. For all other vessels to which this Section applies:

1. The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

2. The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.

3. Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

(3) The information relating to maximum capacity required to appear on capacity plates by Subsection B (2) of this Section shall be determined in accordance with such methods and formulas as shall be prescribed by rule or regulation adopted by the Department. In prescribing such methods and formulas, the Department shall be guided by and give due regard to the necessity for uniformity in methods and formulas lawful for use in determining small vessel capacity in the several states and to any methods and formulas which may be recognized or recommended by the United States Coast Guard or any agency successor thereto.

(4) Any vessel to which this Section applies, not having a capacity plate meeting the requirements of law affixed thereto by the manufacturer thereof, may have such affixed by any other person in accordance with such rules and regulations as the Department may prescribe and may thereafter be offered for sale in this State, but no action taken pursuant to this Section, or in the manner described herein, shall relieve any manufacturer from liability for failure to comply with the requirements of this Section.

(5) The information appearing on a capacity plate shall be deemed to warrant that the manufacturer, or the person affixing the capacity plate is permitted by Subsection B (4) of this Section, as the case may be, has correctly and faithfully employed a method and formula for the calculation of maximum weight capacity prescribed by the Department and that the information appearing on the capacity plate with respect to maximum weight capacity and recommended number of persons is the result of the application of such method and formula, and with respect to information concerning horsepower limitations, that such information is not a deliberate or negligent misrepresentation.

(6) If any vessel required by this Section to have a capacity plate affixed thereto is of such design or construction as to make it impracticable or undesirable to affix such plate, the manufacturer, or other person having the responsibility for affixing the plate, may represent such impracticability or undesirability to the Department in writing. Upon determination by the Department that such representation has merit and that a proper and effective substitute for the capacity plate which will serve the same purpose is feasible, the Department may authorize such alternative compliance and such alternative compliance shall thereafter be deemed compliance with the capacity plate requirements of this Section.

(7) The Department may by rules or regulations exempt from the requirements of this Section vessels which it finds to be of such unconventional design or construction that the information required on capacity plates would not assist in promoting safety or is not reasonably obtainable.

(8) The Department is authorized to issue and amend rules and regulations to carry out the purposes of this Section.

Failure to affix a proper capacity plate shall constitute a separate violation of this subsection B for each vessel with respect to which such failure occurs.

Section 315-5. Incapacity of operator. The owner of any motorboat or any person having such in charge or in control shall not authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such motorboat under the prevailing circumstances.

Section 315-6. Overpowering. No motorboat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of such motorboat and other existing operating conditions.

Section 315-7. Restricted areas. No person shall operate a motorboat within a water area which has been clearly marked by buoys or some other distinguishing device as a bathing, fishing, swimming or otherwise restricted area by the Department or a political subdivision of the State or by an owner or lessee of property in accordance with his rights to the use of said property, except in the manner prescribed by the buoys or other distinguishing devices: Provided, that this Section shall not apply in the case of an emergency, or to patrol or rescue craft.

The Department and other political subdivisions of the State may, within their discretion and after notice and hearing as provided by Sections 7.1 and 7.2 of this Article, designate certain areas by proper signs to be bathing, fishing, swimming or otherwise restricted areas. The Department shall further have the authority in order to fully carry out the provisions of this Act to place signs, beacons and buoys in designated areas controlling the flow of traffic.

It shall be unlawful for any person to deface, obliterate, tear down, or destroy, in whole, or in part, or attempt to deface, obliterate, tear down or destroy any buoys or signs posted pursuant to the provisions of this Act.

Section 315-7.1 Designation of restricted areas — Public hearing — Notice. Prior to designating any area as being restricted the Department or political subdivision, as the case may be, shall hold a public hearing concerning such designation, at which all interested parties shall be given an opportunity to appear and give testimony. Not more than 30 days nor less than 15 days prior to such hearing, notice thereof shall be published in a newspaper of general circulation in the county or counties in which such proposed restricted area is located, stating the date, time and place of the hearing, the location of the proposed restricted area and the nature of the restriction.

Section 315-7.2 Designation of restricted areas — Publication of notice of order. A designation of any area as being restricted shall not be effective, unless not more than 10 days nor less than 5 days prior to the effective date established in the order of designation, a notice of such order is published in a newspaper of general circulation in the county or counties in which the

restricted area is located, stating the location of the restricted area and the nature of the restriction.

Section 315-7.3 Designation of restricted areas — Record of hearings — Transcript. The Department or political subdivision holding a hearing as provided in Section 315-7.1 of this Article shall keep a stenographic record of such proceeding. The notice of hearing, written motions filed in the proceeding, transcript of testimony and the order of the Department or political subdivision shall be the record of such proceeding. The Department or political subdivision, as the case may be, shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of 25 cents per 100 words for each original transcript and 8 cents per 100 words for each carbon copy thereof ordered with the original.

Section 315-7.4 Designation of restricted areas — Review. All final administrative decisions of the Department or a political subdivision as the case may be under Section 315-7 of this Article shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

The Department or political subdivision shall not be required to certify any record or file any answer or otherwise appear unless the party filing the complaint deposits with the clerk of the court the sum of 5 cents per 100 words representing costs of such certification. Failure to make such deposit shall be grounds for dismissal of the action.

Sec. 315-7.5 Wake defined. A wake is defined as a movement of the water created by a boat underway great enough to disturb a boat at rest, but under no circumstances shall a boat underway exceed 5 miles per hour while in a posted "No Wake" area. "No Wake" areas shall be clearly posted with buoys or appropriate signs. All buoys or signs posting such "No Wake" areas shall meet the specifications as prescribed by the United States Coast Guard or the Illinois Department of Conservation.

Section 315-8. Traffic rules. A. Passing. When 2 boats are approaching each other "head on" or nearly so (so as to involve risk of collision), each boat must bear to the right and pass the other boat on its left side.

B. Crossing. When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right of way.

C. Overtaking. One boat may overtake another on either side but must grant right of way to the overtaken boat.

D. Sailboats and Rowboats. When a motorboat is approaching a boat propelled solely by sails or oars, the motorboat must yield the right of way to the sailboat or rowboat except when a large craft is navigating in a confined channel, the large craft has the right of way over a boat propelled solely by oars or sails.

Section 315-9. Water Skiing. A. No person may operate a motorboat which has in tow or is otherwise assisting a person on water skis, aquaplane or similar contrivance, in or upon any waterway, unless such motorboat is occupied by at least 2 competent persons.

B. No person may operate a motorboat having in tow or otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one-half hour after sunset to one-half hour before sunrise. This paragraph B does not apply to motorboats used in duly authorized water ski tournaments, competitions, exhibitions or trials therefor where adequate lighting is provided.

C. All persons operating a motorboat having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, must be careful and prudent in their operation and keep at a reasonable distance from persons and property so as not to endanger the life or property of any person.

D. No person may operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any persons thereon to collide with or strike against any person or object, except ski jumps, buoys and like objects normally used in competitive or recreational skiing.

Section 315-10. Regattas and races. A. The Department may authorize the holding of regattas, motorboat or other boat races on any waters of this State. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat or other boat race is proposed to be held, the person in charge thereof, shall, at least 30 days prior thereto, file an application with the Department for permission to hold such regatta, motorboat or other boat race. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat or other boat race and it shall not be conducted without authorization of the Department in writing.

B. The provisions of this Section do not exempt any person from compliance with applicable Federal law or regulation, but nothing contained herein may be construed to require the securing of a State permit pursuant to this Section if a permit therefor has been obtained from an authorized agency of the United States.

Section 315-11. Intoxication. A. It is unlawful and punishable, as provided in Article XI, Section 321-5, of this Act, for any person who is an habitual user of narcotic drugs, or any person who is under the influence of intoxicating liquor or narcotic drugs to operate any watercraft on the waters of this State.

B. The owner of any watercraft or any person having such in charge or in control may not authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit forming drugs.

Section 315-12. Uniform waterway marking system. The Department is authorized and empowered to establish a system of regulatory aids on the waters of the State in accordance with United States Coast Guard specifications and as recommended by the Coast Guard as a uniform waterway marking system.

ARTICLE VI

Accident Reports — Operator's Responsibility — Transmittal of Information

Section 316-1. Collisions, accidents, and casualties; reports. A. The operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, passengers and guests, if any, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also shall give his name, address, and identification of his vessel to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

B. In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of \$100, shall file with the Department a full description of the collision, accident, or other casualty, including such information as the Department may, by regulation, require. Reports of such accidents must be filed with the Department on a Department Accident Report form within 5 days.

C. Reports of accidents resulting in personal injury, wherein a person is incapacitated for a period exceeding 72 hours, must be filed with the Department on a Department Accident Report form within 5 days. Accidents which result in loss of life shall be reported to the Department on a Department form within 48 hours.

D. All required accident reports and supplemental reports are without prejudice to the individual so reporting, and are for the confidential use of the Department, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department must furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department, solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Department.

Section 316-2. Operator's responsibility. The operator of a watercraft is liable for any injury or damage occasioned by the negligent operation of such watercraft, whether such negligence consists of a violation of the provisions of the Statutes of this State, or in the failure to observe such ordinary care in such operation as the rules of the common law require.

Section 316-3. Transmittal of information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Department pursuant to Section 1(B) of this Article shall be transmitted to such official or agency of the United States.

ARTICLE VII

Business of Boat Rental Service

Section 317-1. License. On and after March 1, 1960 it shall be unlawful for any person to engage in the business of operating a boat or boats carrying passengers for hire, or carrying freight for hire or renting a boat or boats for hire without first having obtained a license so to do from the Department. Such license shall be renewable each year on March 1st, shall be good only for one year or portion of a year to March 1st, and it shall be unlawful for such person to so engage in such business without having a valid license currently then in force.

Section 317-2. License fee. The fee for a license to operate a boat for carrying freight for hire or for carrying passengers for hire shall be \$5.00 for each boat. The fee for a license for engaging in the business of renting boats for hire shall be \$5.00, plus an annual fee for each boat rented or offered for rent of 50¢ for each boat less than 16 feet in length; \$1.00 for each boat 16 feet or over and less than 26 feet in length; and \$4.00 for each boat 26 feet or over and less than 45 feet in length. No boat shall, after March 1, 1960, be rented or offered for rent until such license has been granted and the boat marked as hereinafter provided.

Section 317-3. Rules and regulations. The Department is hereby empowered, and it shall be their duty, to prescribe methods of inspection to determine the weight capacity for each boat carrying passengers for hire, freight for hire, or for rent, and to satisfy the Department that such boat is of a suitable structure for the service in which it is to be employed, and is in a condition to warrant the belief that it may be used in navigation with safety to life and property.

Section 317-4. Weight capacity of boats — Determination. In order to authorize the maximum number of pounds of weight for boats less than 16 feet in length, the Department shall have their cubic foot capacity accurately determined, divide this number by twelve, and multiply the quotient by 150 pounds. The Department shall determine the basis for computing the weight capacity of boats 16 feet or over and less than 45 feet in length.

Section 317-5. Inspection of boats. It shall be the duty of the Department to inspect all of said boats upon application of the licensee for a license, and to see that all of such boats comply with the standards prescribed in this Act and the rules and regulations of the Department.

Section 317-6. Non-compliance — Notice to owner — Rectification of defective conditions. Whenever, upon such inspection, it shall be found that any

boat so inspected does not comply with the standards of this Act and the rules and regulations of the Department, it shall thereupon be the duty of the Department to notify the owner, proprietor or agent in charge of any such boat, the respect in which the boat fails to comply, and to demand that such defective conditions be rectified prior to further use of such boat.

Section 317-7. Display of license or tags. The Department shall furnish to the licensee an appropriate license which shall be prominently displayed in his place of business, or upon the boat if only one boat is involved. In addition to said license the Department shall also furnish to such licensee a durable tag or disc for each boat so licensed with such markings as the Department shall deem necessary, which tag or disc must be affixed to some prominent place at the bow of said boat plainly visible to the public. The licensee shall also cause to be painted on the after quarter of the boat the number of pounds of weight authorized to be carried therein, and no licensee or his agent shall knowingly permit more than that number of pounds of weight or number of persons to occupy said boat at any one given time.

Section 317-8. Equipment. Neither the owner of a boat livery, nor his agent or employee shall permit any motorboat or any vessel designed or permitted by him to be operated as a motorboat to depart from his premises unless it has been provided, either by owner or renter, with the equipment required pursuant to Article IV of this Act and any rules and regulations made pursuant thereto.

Section 317-9. Registration. It shall be the responsibility of the owner of a boat livery, or his agent or employee, to determine that all boats permitted to be operated as motorboats are properly registered as required pursuant to Article III of this Act.

ARTICLE VIII

Local Regulation

Section 318-1. Local ordinances. The provisions of this Act, and of other applicable laws of this State shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this State, or when any activity regulated by this Act shall take place thereon; but nothing in this Act shall be construed to prevent the adoption of any ordinance or local law by any political subdivision of the State relating to operation and equipment of vessels the provisions of which are not inconsistent with the provisions of this Act, amendments thereto or regulations issued thereunder: Provided, that such ordinances or local laws shall be operative only so long as and to the extent that they continue to be not inconsistent with the provisions of this Act, amendments thereto or regulations issued thereunder.

Section 318-2. Special rules — Application. Any subdivision of this State may, at any time, but only after public notice, make formal application to the Department for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the

reasons which make such special rules or regulations necessary or appropriate.

Section 318-3. Special rules — Power. The Department is hereby authorized to make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this State.

ARTICLE IX

Filing of Regulations

Section 319-1. Filing. A copy of the rules and regulations adopted pursuant to this Act, and of any amendments thereto, shall be filed in the office of the Department and in the office of the Secretary of State. Rules and regulations shall be published by the Department in a convenient form.

ARTICLE X

The State Boating Act Fund

Section 320-1. Special fund. All revenue received under the provisions of this Act, including registration fees, fines, or other income of whatsoever kind or nature, shall be deposited in the State Treasury and shall be set apart in a special fund to be known as "The State Boating Act Fund". Appropriations from "The State Boating Act Fund", excepting those revenues received as a result of the "Snowmobile Registration and Safety Act", shall be made only to the Department, and shall be used only for the expenses of the Department in administering the registration, boat safety, boat safety education and enforcement provisions of this Act or for any purpose related or incident thereto and connected therewith, including the construction and improvement of boating facilities, such as access areas, launching sites, harbor facilities, lakes and marinas, including plans and specifications, engineering surveys and supervision and land acquisition where necessary.

Section 320-2. Snowmobile Registration and Safety Act Revenues. All revenue received under the provisions of the "Snowmobile Registration and Safety Act", including registration fees, fines, or other income of whatsoever kind or nature, shall be deposited in the State Treasury in "The State Boating Act Fund". Appropriations of such revenue shall be made only to the Department for administering the registration of snowmobiles, snowmobile safety, snowmobile safety education and enforcement provisions of the "Snowmobile Registration and Safety Act" or for any purpose related or connected thereto, including the construction, maintenance, and rehabilitation of snowmobile recreation areas or any other facilities for the use of snowmobiles, including plans and specifications, engineering surveys and supervision and land acquisition where necessary.

ARTICLE XI

Penalties

Section 321-1. Violation of registration provisions. Any person who violates any of the provisions of Article III of this Act shall be guilty of a petty offense and fined not less than \$10 nor more than \$100.

Section 321-2. Violation of sections 314-1 to 314-8. Any person who violates any of the provisions of the various Sections of Article IV of this Act is guilty of a petty offense and fined not less than \$10 nor more than \$100.

Section 321-3. Certain conduct or condition of operator. Any person who violates any of the provisions of Section 315-1 or 315-2 of Article V of this Act shall be guilty of a Class B misdemeanor.

Section 321-4. Revocation of license for certain conduct or condition of operator. Any person who is convicted of a violation of Article V, Sections 315-1 or 315-2 of this Act, in addition to any other penalties authorized herein, may in the discretion of the court be refused the privilege of operating any watercraft on any of the waterways of this State for a period of not more than one year.

Section 321-5. Operation during denial of privilege. Any person who operates any motorboat during the period when he is denied the privilege to so operate by virtue of the preceding Section shall be guilty of a misdemeanor, and upon conviction thereof shall be guilty of a Class B misdemeanor.

Section 321-6. Violations of sections 2.1 to 7 and 8 to 11. Any person who violates Sections 2.1 or 3, Paragraph A of Section 4, Sections 5, 6, 6.1, 7, 8, 9, 10 or paragraphs A or B of Section 11 of Article V of this Act shall be guilty of a petty offense and fined not less than \$25 nor more than \$100.

Section 321-7. Violation of sections 316-1 or 316-3. Any person who violates any of the provisions of Section 1 or 3 of Article VI or Subsection B of Section 4 of Article V shall be guilty of a petty offense and fined not less than \$10 nor more than \$100.

Section 321-8. Rental boats — Violation of registration or licensing provisions. Any person who violates any of the provisions of Sections 1, 2, 7, 8 or 9 of Article VII is guilty of a petty offense and fined not less than \$25 nor more than \$100.

Section 321-9. Penalty for violation of article II. Any person who violates any of the provisions of the various Sections of Article II of this Act is guilty of a petty offense and fined not less than \$25 nor more than \$100.

ARTICLE XII

Partial Invalidity

Section 322-1. Effect. If any provision of this Act or the application of such provision to any persons, body or circumstances shall be held invalid, the remainder of this Act, or the application of such provision to persons, bodies or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

ARTICLE XIII

Effective Date

Section 323-1. Effective date. This Act shall take effect on March 1, 1960.

CHAPTER 57½—FORESTRY

State Tree and State Flower
State Bird
Arbor Day and Bird Day

STATE FORESTS

- Sec. 22. Department of Conservation.
- Sec. 23. State forests defined.
- Sec. 23.1 Designation of state forests.
- Sec. 24. Acquisition of lands.
- Sec. 25. Protection and management.
- Sec. 26. Sale of timber — Improved highways.
- Sec. 27. Forest nurseries.
- Sec. 27.1 Tree nurseries — Designation.
- Sec. 28. Employees — Public use.
- Sec. 29. Violations.
- Sec. 30. Game and fish sanctuaries.

FOREST FIRE PROTECTION DISTRICTS

- Sec. 71. Definitions.
- Sec. 72. Authorization to create district — Publication — Recordation.
- Sec. 73. Forest fire hazards — Proclamation prohibiting fires — Permits — Violations — Penalty.
- Sec. 74. Fire wardens — Appointment — Compensation — Removal.
- Sec. 75. Repealed.
- Sec. 76. Powers and duties of department — Injured employees.
- Sec. 77. Duties of fire wardens.
- Sec. 78. Arrest of violators.
- Sec. 79. Access to private property — Personal liability.
- Sec. 80. Fires prohibited during certain months — Exceptions — Violations.
- Sec. 81. Owners and lessees of land — Application of act.
- Sec. 82. Compensation — Aid by owners and lessees — Aid by others responsible for spreading fire.

TIMBER BUYERS LICENSING ACT

- Sec. 211. Citation.
- Sec. 212. Definitions.
- Sec. 213. Necessity of license — Application — Contents of application.

- Sec. 214. Bond.
- Sec. 215. Violations.
- Sec. 216. Aggrieved party — Hearing — Decision.
- Sec. 217. Issuance of License — Term — Renewal — Posting — Certificate.
- Sec. 218. Fees.
- Sec. 219. Inspections.
- Sec. 220. Rules and regulations.
- Sec. 221. Penalties.
- Sec. 222. Person in default to state — License.
- Sec. 223. Revocation of license — Proceedings.
- Sec. 224. Injunctions — Contempt.
- Sec. 225. Review under Administrative Review Act.

FOREST PRODUCTS TRANSPORTATION ACT

- Sec. 231. Short title.
- Sec. 232. Definitions.
- Sec. 232.01. Department defined.
- Sec. 232.02. Tree or trees defined.
- Sec. 232.03. Forest product defined.
- Sec. 232.04. Person defined.
- Sec. 232.05. Timber grower defined.
- Sec. 232.06. Proof of ownership defined.
- Sec. 232.07. Owner defined.
- Sec. 233. Intent of Act.
- Sec. 234. Cutting, damaging or removing trees or forest products without consent of owner.
- Sec. 235. Hauling or transportation of trees or forest products without consent of owner.
- Sec. 236. Proof of ownership required.
- Sec. 237. Registration as timber grower — Application — Contents — Notification of cessation of business — Liability for failure to give notice.
- Sec. 238. Use of registration number.
- Sec. 239. Application of Act to governmental units.
- Sec. 240. Rules and regulations — Availability of decals, logos and tags.
- Sec. 241. Enforcement of Act — Apprehension of violators.
- Sec. 242. Violations of provisions of Act.

STATE TREE AND FLOWER

Section 16. State tree — State flower. The white oak tree is declared to be the native State tree of the State of Illinois; and the native violet is declared to be the native State flower of the State of Illinois.

STATE BIRD

Be it enacted by the People of the State of Illinois, represented in the General Assembly: The bird, *Cardinalis*, commonly known as the "Cardinal, is designated, and shall be known, as the official State Bird of the State of Illinois.

ARBOR AND BIRD DAY

The last Friday in April of each year is designated as Arbor and Bird Day, to be observed throughout the State as a day for planting trees, shrubs and vines about the homes and along the highways and about public grounds within this State, and for holding appropriate exercises in the public schools and elsewhere to show the value of trees and birds and the necessity of their protection, thus contributing to the comforts and attractions of our State.

STATE FORESTS

Section 22. Department of Conservation. The Department of Conservation shall have control, supervision and management of all State forests herein provided for and hereafter to be established.

Section 23. State forests defined. State forests shall include only such lands as are decided by the Department of Conservation to be more valuable for the growing of forests than for other purposes, and shall have for their purpose the production of forest products, the protection of watersheds that are subject to serious erosion, the maintenance of purity of springs and streams and to afford recreation places for the people of the State.

Section 23.1 Designation of state forests. The following described areas are designated as State forests:

Big River State Forest in Henderson County; Sand Ridge State Forest in Mason County; Hidden Springs State Forest in Shelby County; Trail of Tears State Forest in Union County; Wildcat Hollow State Forest in Effingham County.

Section 24. Acquisition of lands. The Department of Conservation may purchase, lease, receive by donation or devise or take options on tracts of land suitable for State forests. The department may also acquire title by condemnation in the name of the State of Illinois under the laws relating to eminent domain. Such proceedings shall be conducted by the Attorney General at the request of the department.

Section 25. Protection and management. From time to time, as tracts of land are acquired, the department shall designate and organize such lands as State forests. The department shall protect such lands from fire and trespass and cause them to be so managed as to produce continuous crops of timber for use of the people and industries of the State.

Section 26. Sale of timber — Improved highways. Timber grown on such forests may be sold under rules and regulations of the department, but all cutting and removal of forest products shall be in accordance with the best practices of forestry. The department shall make such forests accessible to the general public by improved highways leading through them.

Section 27. Forest nurseries. The Department shall have the authority to establish forest nurseries for the growing of trees and shrubs for planting in State forests and other Department properties and to procure or acquire tree seeds for nursery use. Such planting stock as is not required in the State forests and other Department properties may be sold to land owners for reforestation purposes, at a price not greater than the cost of production to the State, but the sale thereof to land owners shall be upon conditions and plans as may be approved by the Department for the purposes of growing forest products, for establishing new forests or shelterbelts or improving existing forests, for game food and cover, for control of soil erosion, but not for ornamental, shade tree or landscape purposes. Planting stock obtained or purchased from State forest nurseries may be cut and sold as Christmas trees and greens, posts, pulpwood, ties, poles, logs, and other products but they cannot be removed or resold with the roots attached. All areas planted with stock secured from the State nurseries must be protected from fire, domestic livestock grazing, and trespass. A maximum of 2500 trees for research, experimental and demonstration plantings may be furnished annually, without charge, to qualified agencies and organizations whose plans for such plantings are approved by the Department in accordance with the purposes of this Act. For the purpose of adjusting forest planting programs, exchange, sale or purchase of planting stock with other States and the United States Forest Service is authorized.

Section 27.1 Tree nurseries — Designation. The following described areas are designated as State forest tree nurseries:

Mason State Forest Tree Nursery in Mason County;
Union State Forest Tree Nursery in Union County.

Section 28. Employees — Public use. The department shall employ such foresters, cruisers and other assistance as are necessary for the acquisition of such State forests and for their administration, protection, improvement and use. It shall make reasonable rules for the regulation of the use of such State forests by the public. Such regulations and rules shall be posted in conspicuous places in such State forests.

Section 29. Violations. Whoever:

1. Wilfully destroys, injures or defaces a guide post, sign, fence, enclosure or structure within a State forest; or

2. Wilfully destroys, injures or removes a tree, shrub or plant or flower within a State forest; or
3. Violates any reasonable regulation adopted by the Department and published by posting in conspicuous places; or
4. Wilfully uses or resells planting stock produced in State forest nurseries in violation of such conditions of sale or for planting as shall have been approved by the Department in connection with a sale or furnishing of trees or plantings by the Department as in Section 6 provided; is guilty of a Class B misdemeanor.

Section 30. Game and fish sanctuaries. The department shall have authority to designate portions of the State forests as game or fish sanctuaries and shall promulgate rules and regulations for the protection and breeding of game or fish within such areas.

FOREST FIRE PROTECTION DISTRICTS

Section 71. Definitions. As used in this Act: "Director" means the Director of the Department of Conservation.

"Department" means the Department of Conservation.

"Forest fires" means uncontrolled, wild or running fires occurring on forest, marsh, field, cutover or other lands.

"District" means a geographic area determined by the Director to be in need of special protection from forest fires and designated as an intensive forest fire prevention district in accordance with this Act.

"Forest fire warden" means any district, local or emergency forest fire warden.

Section 72. Authorization to create district — Publication — Recordation. Whenever the Director determines that geographic areas of contiguous territory within the State are in need of special protection from forest fires, the Director may order the establishment of one or more intensive forest fire protection districts, consisting of one or more counties or a portion or portions thereof, in such area. No such district may include any part of any territory of any forest preserve district or park district or successor thereof except for any land which was leased from the Department. The boundaries of each district so established shall be defined in the order of the Director and notice of the establishment of the District and its boundaries shall be published once each week for 3 successive weeks in one or more newspapers published in the district or having a general circulation therein and such additional notice may be given as the Director deems necessary, after which notice the establishment of such district shall be recorded in the office of Recorder of Deeds in each county wholly or partly within the District established.

Section 73. Forest fire hazards — Proclamation prohibiting fires — Permits — Violations — Penalty. Whenever the Director deems a forest fire hazard to exist in any district he may issue a proclamation declaring it unlawful within the district, during the period covered by the proclamation, to set on fire or cause to be set on fire, any woods, brush, grass, grain, weeds or stubble

without first having obtained a burning permit issued by a forest fire warden for the District in which such burning shall take place.

Public notice of such proclamation shall be given by publication in one or more newspapers having a general circulation within the district and by posting such proclamation conspicuously in public places. Any person violating this Section, shall, upon conviction be fined not to exceed \$1,000 or be imprisoned in a penal institution other than the penitentiary not exceeding 6 months, or both.

Section 74. Fire wardens — Appointment — Compensation — Removal.

The Director may appoint and fix the compensation of district, local and emergency forest fire wardens; provided that local and emergency forest fire wardens shall be paid an hourly compensation for time actually spent on the activity for which they are appointed. The jurisdiction of each district forest fire warden shall extend throughout the District to which he is appointed; the jurisdiction of each local and emergency forest fire warden shall extend throughout such territory as the Director may designate. Any local or emergency forest fire warden may be summarily removed from office by the Director at any time, and shall receive no compensation for services rendered after receipt of notice of such removal unless otherwise provided by the Director.

Section 75. Repealed.

Section 76. Powers and duties of department — Injured employees. The Department shall supervise all forest fire wardens, shall instruct them in their duties, shall enforce all laws of the State for the prevention and suppression of forest fires, shall promulgate and adopt rules and regulations for the issuance of burning permits by forest fire wardens, shall cause to be prosecuted persons violating such laws, rules and regulations, and may employ or order the employment of such persons and procure or order the procuring of such materials at reasonable rates as is deemed necessary to carry out the provisions of this Act.

Any person employed or appointed under this Act and who is not otherwise employed by the State of Illinois, or who, being otherwise employed by the State of Illinois is not ordinarily paid for his services, and who suffers injury or death arising out of and in the course of his employment under this Act shall, for the purpose of benefits under the "Workmen's Compensation Act", approved July 1, 1951, as heretofore or hereafter amended, be deemed an employee of the State of Illinois.

Section 77. Duties of fire wardens. It is the duty of each forest fire warden to prevent and extinguish forest fires occurring in the area assigned to him, to assist in the enforcement within that area of all laws for the prevention and suppression of forest fires, to issue burning permits in accordance with rules and regulations promulgated and adopted by the Department, and upon order by the Director to assist any other forest fire warden in suppressing and extinguishing forest fires within the district or local area assigned to such other warden.

Section 78. Arrest of violators. All employees of the Department, including all forest fire wardens, and all law enforcement officers in the State of Illinois, shall arrest any person who violates any provision of this Act, any administrative order issued pursuant to this Act or any other law of this State designed to prevent and suppress forest fires and shall bring such person forthwith before a judge of the court having jurisdiction, who shall proceed without unreasonable delay to hear and determine the matter as in other cases of misdemeanor.

Section 79. Access to private property — Personal liability. While engaged in controlling or extinguishing forest fires, any forest fire warden may enter upon the lands of any person, firm, private or municipal corporation or the State of Illinois to carry out his duties. He may set backfires, cut fire lanes and employ any other customary and accepted method of suppressing and extinguishing forest fires. Forest fire wardens or other persons employed by the Department for the purpose of extinguishing and suppressing forest fires shall not be personally liable for any act required or permitted to be done under the provisions of this Act, while acting within the scope of their duties, unless such actions causing injury are maliciously and wilfully or wantonly inflicted.

Section 80. Fires prohibited during certain months — Exceptions — Violations. It is unlawful for any person to kindle or authorize any other person to kindle a fire in the open air outside the limits of any city, village or incorporated town within an intensive fire protection district, except on land owned or controlled by a railroad corporation when the fire is for the purpose of clearing its right of way of dangerous combustible materials, during the months of February, March, April, October and November, or during such other times when fire hazard conditions are declared to exist by order of the Director in accordance with this Act, without first having obtained a burning permit issued by a forest fire warden for the District in which such burning shall take place, the burning in such case to be in strict compliance with the terms of the permit. Such permit is not required for the kindling of a fire in a plowed field, garden or public highway when such fire is kindled at a distance of 200 feet or more from any woodland, brush land or field containing dry grass or other combustible material. Any person violating this Section shall be guilty of a Class B misdemeanor.

Section 81. Owners and lessees of land — Application of act. Nothing in this Act shall be so construed as to relieve the owners or lessees of lands upon which fires may burn or be started, from the duty of extinguishing such fires so far as it may be within their power.

Section 82. Compensation — Aid by owners and lessees — Aid by others responsible for spreading fire. No owner or lessee of land upon which fire may burn or be started, nor any person during employment with such owner or lessee, shall be compensated under this Act for extinguishing fire upon his land or the land to which his interest is attached. No person who is responsible for the spreading of a fire to a woodland, forest or other land, nor any person in his employ may receive compensation under this Act for helping to extinguish such fires.

TIMBER BUYERS LICENSING ACT

Section 211. Citation. This Act may be known and cited as the "Timber Buyers Licensing Act".

Section 212. Definitions. When used in this Act, unless the context otherwise requires, the term:

"Person" means any person, partnership, firm, association, business trust or corporation. .

"Timber" means trees, standing or felled, and parts thereof which can be used for sawing or processing into lumber for building or structural purposes or for the manufacture of any article. "Timber" does not include firewood, Christmas trees, fruit or ornamental trees or wood products not used or to be used for building, structural, manufacturing or processing purposes.

"Timber buyer" means any person engaged in the business of buying timber from the timber growers thereof for sawing into lumber, for processing or for resale, but does not include any person who occasionally purchases timber for sawing or processing for his own use and not for resale.

"Timber grower" means the owner, tenant or operator of land in this State who has an interest in, or is entitled to receive any part of the proceeds from the sale of timber grown in this State and includes persons exercising authority to sell timber.

"Department" means the Department of Conservation of the State of Illinois.

"Director" means the Director of the Department of Conservation.

"Employee" means any person in service or under contract for hire, expressed or implied, oral or written, who is engaged in any phase of the enterprise or business at any time during the license year.

Section 213. Necessity of license — Application — Contents of application. Every person before engaging in the business of timber buyer shall obtain a license for such purpose from the Department. Application for such license shall be filed with the Department and shall set forth the name of the applicant, its principal officers if the applicant is a corporation or the partners if the applicant is a partnership, the location of any principal office or place of business of the applicant, the counties in this State in which the applicant proposes to engage in the business of timber buyer and such additional information as the Department by regulation may require.

The application shall set forth the aggregate dollar amount paid to timber growers for timber purchased in this State during the applicant's last completed fiscal or calendar year. In the event the applicant has been engaged as a timber buyer for less than one year, his application shall set forth the dollar amount paid to timber growers for the number of completed months during which the applicant has been so engaged. If the applicant has not been previously engaged in buying timber in this State, the application shall set forth the estimated aggregate dollar amount to be paid by the applicant to timber growers for timber to be purchased from them during the next succeeding 12 month period.

Section 214. Bond. Every person licensed as a timber buyer shall have on file with the Department a surety bond signed by the person to be licensed as principal and by a good and sufficient corporate surety authorized to engage in the business of executing surety bonds within the State of Illinois as surety thereon. In lieu of corporate surety an applicant may, with the approval of the Department, file a bond signed by the applicant as principal and accompanied by a bank certificate of deposit in a form approved by the Department, showing to the satisfaction of the Department that funds equal to the amount of the required bond are on deposit in a bank to be held by said bank for the period covered by the license. The funds shall be made payable upon demand to the Director, subject to the provisions of this Act, for the use and benefit of the people of the State of Illinois and for the use and benefit of any timber grower from whom the applicant purchased timber and who is not paid by the applicant or for the use and benefit of any timber grower whose timber has been cut by the applicant or licensee or his agents, and who has not been paid therefor; the Department may, in its discretion, continue the existing bond of any applicant who has previously been licensed and posted a good and sufficient bond.

Such bond shall be in the principal amount of \$500 for an applicant who paid timber growers \$5,000 or less for timber during the immediate preceding year, and an additional \$100 for each additional \$1,000 or fraction thereof paid to timber growers for timber purchased during the preceding year, but shall not be more than \$10,000. In the case of an applicant not previously engaged in business as a timber buyer, the amount of such bond shall be based on the estimated dollar amount to be paid by such timber buyer to timber growers for timber purchased during the next succeeding year, as set forth in the application; such bond shall, in no event, be in the principal amount of less than \$500.

Such bond, or surety thereon, shall not be cancelled or altered during the period for which the license to the applicant was issued except upon at least 60 days notice in writing to the Department; in the event that the applicant has deposited certificates of deposit in lieu of a corporate surety the Department may retain possession of such certificates of deposit for a period of 60 days following the expiration or revocation of his license.

At any such time as a licensee fails to have the necessary surety bonds, certificates of deposit or both on deposit with the Department as required herein, the Department may immediately, and without notice, revoke the license of such licensee. In the event of such revocation, the Department shall give immediate notice of the same to the licensee and shall further reinstate such license upon the posting of the required surety bond or certificates of deposit.

Bonds shall be in such form and contain such terms and conditions as may be approved from time to time by the Director, be conditioned to secure an honest cutting and accounting for timber purchased by the licensee, secure payment to the timber growers and to insure the timber growers against all fraudulent acts of the licensee in the purchase and cutting of the timber of this State.

In the event the timber buyer fails to pay when due any amount due a timber grower for timber purchased, or fails to pay legally determined damages for

timber wrongfully cut by a timber buyer or his agent, whether such wrongful cutting has occurred on or adjacent to the land which was the subject of timber purchase from a timber grower, or commits any violation of this Act, then an action on the bond for forfeiture may be commenced. Such action is not exclusive and is in addition to any other legal remedies available.

In the event that the timber grower or owner of timber cut considers himself aggrieved by a timber buyer, he shall notify the Department in writing of such grievance and thereafter the Department shall within 10 days give written notice to the timber buyer of the alleged violation of this Act or of any violation or noncompliance with the regulations hereunder of which the timber grower or owner of timber complains. The written notice to the timber buyer shall be from the Department by registered or certified mail to the licensee and his sureties stating in general terms the nature of the violation and that an action seeking forfeiture of the bond may be commenced at any time after the 10 days from the date of said notice if at the end of that period the violation still remains. In the event the Department shall fail to give notice to the timber buyer as provided herein, the timber grower or owner of timber cut may commence his own action for forfeiture of the licensee's bond.

The timber buyer, after receiving notice from the Department as provided herein, may within 10 days from the date of such notice, request in writing to appear and be heard regarding the alleged violation.

Upon such request from the timber buyer, the Department shall schedule a hearing, designating the time and place thereof. At such hearing the timber buyer may present for consideration of the Department any evidence, statements, documents or other information relevant to the alleged violation. The hearing shall be presided over by the Director or by any hearing officer he may designate. The hearing officer shall take evidence offered by the timber buyer or the Department and shall, if requested by the Department, submit his conclusions and findings which shall be advisory to the Director. Any hearings provided for in this Section shall be commenced within 30 days from the request therefor.

Should the timber buyer fail to make timely request for a hearing after receipt of the notice from the Department as provided herein, or after a hearing is concluded, the Department may either withdraw the notice of violation or request the Attorney General to institute proceedings to have the bond of the timber buyer forfeited. The Attorney General, upon such request from the Department, shall institute proceedings to have the bond of the timber buyer forfeited for violation of any of the provisions of this Act or for noncompliance with any Department regulation.

In any event that the licensee's bond is forfeited, the proceeds thereof shall first be applied to any sums determined to be owed to the timber grower or owner of timber cut and then to the Department to defray expenses incurred by the Department in converting the security into money. Thereafter, the Department shall pay such excess to the timber buyer who furnished such security.

In the event the Department realizes less than the amount of liability from the security, after deducting expenses incurred by the Department in converting

the security into money, it shall be grounds for the revocation of the timber buyer's license.

Section 215. Violations. It shall be unlawful and a violation of this Act:

- (a) For any timber buyer to fail to pay, as agreed, for any timber purchased,
- (b) For any timber buyer to cut or cause to be cut or appropriate any timber without the consent of the timber grower,
- (c) For a timber buyer to willfully make any false statement in connection with the application, bond or other information required to be given to the Department or a timber grower,
- (d) To fail to honestly account to the timber grower or the Department for timber purchased or cut if the buyer is under a duty to do so, and
- (e) For a timber buyer to commit any fraudulent act in connection with the purchase or cutting of timber.

Section 216. Aggrieved party — Hearing — Decision. Any person aggrieved by a decision of the Department with respect to the issuance, failure to issue or revocation of a license under this Act may, within 20 days after notice of such decision, protest and request a hearing. The Department shall then give notice to such person of the time and place fixed for such hearing and shall hold a hearing in conformity with "The Civil Administrative Code of Illinois" and shall then issue its final administrative decision in the matter to such person. The hearing shall be before the Director or any person designated by him as hearing officer. In absence of such a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given. Any hearing provided for herein shall be commenced within 30 days from the date of the request therefor.

Section 217. Issuance of license — Term — Renewal — Posting — Certificate. If the Department is satisfied that the applicant has fulfilled the requirements and if the bond and sureties or bank certificate of deposit filed by the applicant is approved, the Department shall issue a license to the applicant. The licenses issued shall be valid for a calendar year and may be renewed annually. A copy of the license certificate issued by the Department shall be posted in the principal office of the licensee in this State.

Upon request for a license and payment of the fee, the Department shall issue to the licensee a certificate that a license has been granted and a bond filed as required by this Act.

Section 218. Fees. The application for a license to operate as a timber buyer, or a renewal thereof, shall be accompanied by a filing fee of \$25. The fee to be paid for a certificate that a license has been issued and security filed is \$5. All fees collected by the Department shall be paid into the State Treasury.

Section 219. Inspections. The Department may inspect the premises used by any timber buyer in the conduct of his business at any reasonable time and the

books, accounts, records and papers of every such timber buyer shall at all times during business hours be subject to inspection by the Department. Any person having possession of timber as defined in this Act shall prima facie be considered a timber buyer.

Section 220. Rules and regulations. The Department may make such rules and regulations as may be necessary to carry out the provisions of this Act.

Section 221. Penalties. Any person who engages in business as a timber buyer without securing a license or in violation of any of the provisions of this Act, or any timber buyer who refuses to permit inspection of his premises, books, accounts or records as provided in this Act shall be guilty of a Class B misdemeanor.

Section 222. Person in default to state — License. No certificate of license shall be issued to any person who is in default to the people of the State of Illinois for moneys due under this Act.

Section 223. Revocation of license — Proceedings. The Department may, after notice and a hearing, revoke the license of any person who violates any of the provisions of this Act. All proceedings under this Act to revoke a license shall be conducted in the manner prescribed by Sections 60-b through 60-g of “The Civil Administrative Code of Illinois”, except as otherwise provided in this Act.

Section 224. Injunctions — Contempt. The Department may, by application to any circuit court or to a judge thereof, obtain an injunction restraining any person who engages in the business of timber buyer in this State without a certificate of license (either because his certificate of license has been revoked or because of a failure to obtain a certificate of license in the first instance) from engaging in such business until such person complies with this Act and qualifies for and obtains a certificate of license. Upon refusal or neglect to obey the order of the court or judge, said court or judge may compel obedience thereof by proceedings for contempt.

Section 225. Review under Administrative Review Act. All final administrative decisions under this Act shall be subject to judicial review under the “Administrative Review Act”.

FOREST PRODUCTS TRANSPORTATION ACT

Section 231. Short Title. This Act shall be known and may be cited as the “Forest Products Transportation Act”.

Section 232. Definitions. As used in this Act, unless the context otherwise requires, the terms defined in Sections 2.01 through 2.08 have the meanings ascribed to them in those Sections.

Section 232.01 Department defined. “Department” means the Department of Conservation.

Section 232.02 Tree or trees defined. "Tree" or "trees" means any tree, standing or felled, living or dead, and includes both those trees included within the definition of "timber" in Section 2 of the "Timber Buyers Licensing Act" and Christmas trees. The term does not apply to trees or parts of trees that have been cut into firewood.

Section 232.03 Forest product defined. "Forest product" means logs which can be used for sawing or processing into lumber for building or structural purposes, for the manufacture of furniture or for the manufacture of any article.

Section 232.04 Person defined. "Person" means any person, partnership, firm, association, business trust or corporation.

Section 232.05 Timber grower defined. "Timber grower" means the owner, tenant or operator of land in this State who has an interest in, or is entitled to receive any part of the proceeds from the sale of timber grown in this State and includes persons exercising authority to sell timber.

Section 232.06 Proof of ownership defined. "Proof of ownership" includes a written bill of sale executed by the owner-seller, a written bill of lading executed by the owner-seller or a written or printed indication that the person in possession is the agent or employee of the owner or has possession with the knowledge and consent of the owner.

Section 232.07 Owner defined. "Owner", when referring to trees or forest products grown or growing on public lands under the jurisdiction of the federal government, the State or any unit of local government or school district within the State, means the person empowered by law, or by action of the corporate authorities of the governmental entity pursuant to law, to sell or dispose of trees and forest products from the governmental lands.

Section 233. Intent of Act. Nothing in this Act affects the rights of the owners of trees or forest products nor imposes any duties or liabilities on them not otherwise imposed by law. This Act, is rather, intended to protect the rights of the owners of trees and forest products as well as the interests of the public in trees and forest products on public lands.

Section 234. Cutting, damaging or removing trees or forest products without consent of owner. No person may cut, damage or remove any tree, part of a tree or forest product from the land of another without the consent of the owner. Any person who violates this Section commits criminal damage to property, as defined in Section 21-1 of the "Criminal Code of 1961".

Section 235. Hauling or transportation of trees or forest products without consent of owner. No person may haul or transport any tree or forest product on the highways of this State without the written consent of the owner.

Section 236. Proof of ownership required. Any person hauling or transporting 2 or more trees and forest products, or either of them, on any highway in this State may be required to show proof of ownership or that such hauling or transporting is with the consent of the owner.

If that person is unable to show proof of ownership or consent of the owner, the timber and forest products so hauled or transported may be held by the Department for disposition subject to court order.

Section 237. Registration as timber grower — Application — Contents — Notification of cessation of business — Liability for failure to give notice. Any person may register with the Department as a timber grower by making application on forms prescribed and furnished by the Department stating, under oath:

- (a) The name and address of the applicant;
- (b) The business name of the applicant (if different from that shown in (a));
- (c) The legal description of the real estate used for the growing of trees or forest products;
- (d) The types or species of trees and forest products grown; and
- (e) Any other information the Department may reasonably require for identification purposes.

Any person making false application under this Section is subject to the penalties for perjury.

Upon receipt of such an application and of a registration fee of \$5, the Department shall issue the applicant a certificate of registration as a timber grower and a registration number. No additional fee is required to maintain current registration as a timber grower.

If a person registered as a timber grower under this Section ceases to be engaged in the business of a timber grower or if there is any change in any of the facts shown on his application for timber grower, he must notify the Department of that cessation of business or of the correction to be made in the facts shown on the application, as the case may be. The licensee may, when notifying the Department of a change in status of a continuing operation, request the issuance of a corrected certificate of registration for which a reasonable charge, not exceeding \$3, may be made by the Department, pursuant to its rules under this Act.

Any person licensed under this Section who fails to give written notice to the Department as required in this Section is liable for damages to any person who suffers loss as a direct result of the misuse or unauthorized use of a registration number issued under this Section.

Section 238. Use of registration number. Any person registered as a timber grower under this Act may display on each vehicle used by him in hauling or transporting his trees and forest products a sign, decal or logo, conforming to regulations of the Department, showing the fact of his registration and his registration number under this Act.

Any person licensed as a timber grower under this Act may identify and label his trees and forest products with tags bearing the registration number issued under this Act and any other information that is consistent with the rules and regulations prescribed by the Department.

Section 239. Application of Act to governmental units. This Act does not apply to the removal of any trees or parts of trees or to their hauling or transportation by the federal government, the State of Illinois or by any unit of local government within the State of Illinois.

Section 240. Rules and regulations — Availability of decals, logos and tags. The Department of Conservation may promulgate such rules and regulations as may be necessary or desirable to effectuate the purposes of this Act. The Department may make available at a reasonable cost the decals, logos and tags authorized to be used by licensed timber growers under Section 8.

Section 241. Enforcement of Act — Apprehension of violators. The Department of Conservation shall enforce this Act. Any law enforcement officer employed by the State or by any county or municipality within the State has the authority to apprehend persons violating any provision of this Act and to cooperate with the Department in the enforcement of this Act.

Section 242. Violations of provisions of Act. Any person violating any provision of this Act is guilty of a Class B misdemeanor.

CHAPTER 95½—MOTOR VEHICLES
SNOWMOBILE REGISTRATION AND SAFETY ACT
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- Sec. 603-7. Department records.
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- Sec. 606-1. Collisions, accidents, and casualties; reports.
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ARTICLE IX

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Partial Invalidity

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Appropriation

Sec. 612-1. Appropriation.

ARTICLE I

Definitions — Application — Jurisdiction

Section 601-1. Title and Declaration of Intent. This Act shall be known and may be cited as the "Snowmobile Registration and Safety Act". It is the policy of this State to promote safety for persons and property in and connected with the use, operation and equipment of snowmobiles and to promote uniformity of laws relating thereto.

Section 601-2. Definitions. As used in this Act, the terms specified in Sections 1-2.01 through 1-2.20 have the meanings ascribed to them in those Sections unless the context clearly requires a different meaning.

Section 601-2.01 "Cowling" means the forward portions of a snowmobile surrounding the motor and clutch assembly.

Section 601-2.02 "Dealer" means a person, partnership, or corporation engaged in the business of manufacturing, selling, or leasing snowmobiles at wholesale or retail.

Section 601-2.03 "Dangerous drug" means any drug defined as a depressant or stimulant substance in the "Illinois Controlled Substances Act" and cannabis as defined in the "Cannabis Control Act".

Section 601-2.04 "Department" means the Department of Conservation.

Section 601-2.05 "Highway" means the entire width between boundary lines of any highway, road, street, avenue, alley or public driveway.

Section 601-2.06 "Intoxicating Beverage" means any beverage enumerated in the "Liquor Control Act".

Section 601-2.07 "Local Authority" means every county, municipal, and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State.

Section 601-2.08 "Narcotic drug" means any substance defined as a narcotic drug in the "Illinois Controlled Substances Act".

Section 601-2.09 "Operate" means to ride in or on, other than as a passenger, use or control the operation of a snowmobile in any manner, whether or not the snowmobile is under way.

Section 601-2.10 "Operator" means every person who operates or is in actual physical control of a snowmobile.

Section 601-2.11 "Owner" means a person, other than a lien holder, having title to a snowmobile. The term includes a person entitled to the use or possession of a snowmobile subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

Section 601-2.12 "Person" means an individual, partnership, firm, corporation, association, or other entity.

Section 601-2.13 "Register" means the act of assigning a registration number to a snowmobile.

Section 601-2.14 "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the beam or shoulder. In the event a highway includes 2 or more separate roadways the term "roadway" as used in this Act refers to any such roadway separately but not to all such roadways collectively.

Section 601-2.15 "Snowmobile" means a self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

Section 601-3. Application and Jurisdiction. The Department shall, for purposes of this Act, have the power, duty, and authority to administer and enforce all statutes, rules and regulations, except as otherwise provided by statute, relating to the operation and use of snowmobiles within the state.

ARTICLE II

Enforcement — Inspection — Prosecutions

Section 602-1. Enforcement. It is the duty of all Conservation Police Officers, and all sheriffs, deputy sheriffs, and other police officers to arrest any person detected in violation of any of the provisions of this Act. It is further the duty of all such officers to make prompt investigation of any violation of the provisions of this Act reported by any other person, and to cause a complaint to be filed before the circuit court if there seems just ground for such complaint and evidence procurable to support the same.

Section 602-2. Inspection. Agents of the Department or other duly authorized police officers may stop and inspect any snowmobile at any time for the purpose of determining if the provisions of this Act are being complied with. If the inspecting officer or agent discovers any violation of the provisions of this Act, he must issue a summons to the operator of such snowmobile requiring that the operator appear before the circuit court for the county within which the offense was committed.

Every snowmobile subject to this Act, if under way and upon being hailed by a designated law enforcement officer, must stop immediately.

Section 602-3. Prosecutions. All prosecutions under this Act shall be brought in the name and by the authority of the People of the State of Illinois before the circuit court having jurisdiction under the law relative to the enforcement of the provisions hereof. It is the duty of all State's Attorneys to enforce this Act in their respective counties and to prosecute all persons charged with violating the provisions hereof.

Section 602-4. Resistance to Officers. It is unlawful for any person to resist or obstruct any officer or employee of the Department in the discharge of his duties under this Act.

Section 602-5. False Representation. It is unlawful for any person to represent himself falsely to be an officer or employee of the Department or to assume to act as such without having been duly appointed and employed as such.

ARTICLE III

Registration of Snowmobiles

Section 603-1. Operation of Unnumbered Snowmobiles. Except as hereinafter provided, no person shall, after the effective date of this Act, operate any snowmobile within this State unless such snowmobile has been registered and numbered in accordance with the provisions of this Article, and unless (1) the certificate of number awarded to such snowmobile is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the cowl of such snowmobile.

Section 603-2. Identification Number Application. The owner of each snowmobile requiring numbering by this State shall file an application for number with the Department on forms approved by it. The application shall be signed by the owner of the snowmobile and shall be accompanied by a fee of \$6. Upon receipt of the application in approved form the Department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the snowmobile and the name and address of the owner.

Section 603-3. Identification Number Display. The owner shall paint on or attach to both sides of the cowl of a snowmobile the identification number, which shall be of block characters at least 3 inches in height. The figures shall read from left to right, be of contrasting color to their background, and be maintained in a legible condition. In affixing the number to the snowmobile, a space or a hyphen shall be provided between the IL and the number and another space or hyphen between the number and the letters which follow. The certificate of number shall be pocket size and shall be available at all times for inspection on the snowmobile for which issued, whenever such snowmobile is in operation.

Section 603-4. Destruction, Sale, Transfer or Abandonment. The owner of any snowmobile shall within 15 days notify the Department if such snowmobile

is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons. In all such cases, the notice shall be accompanied by a surrender of the certificate of number. When the surrender of the certificate is by reason of the snowmobile being destroyed or abandoned, the Department shall cancel the certificate and enter such fact in its records. The Department shall be notified in writing of any change of address. Should the owner desire a new certificate of number, showing the new address, he shall surrender his old certificate and notify the Department of the new address, remitting one dollar to cover the issuance of a new certificate of number. If the surrender is by reason of a sale or transfer either wholly or in part to another person or persons, the owner surrendering the certificate shall state to the Department, under oath, the name of the purchaser or transferee.

Section 603-5. Transfer of Identification Number. The purchaser of a snowmobile shall, within 15 days after acquiring same, make application to the Department for the transfer to him of the certificate of number issued to such snowmobile, giving his name, his address and the number of such snowmobile. The fee is \$2 for the transfer of any unexpired time on a certificate but, when less than 6 months remains to the expiration date, the purchaser shall apply for a transfer-renewal for a fee of \$6 for approximately 2 years. All transfers will bear September 30 expiration dates in the calendar year of expiration. An application for transfer accompanied by a \$6 fee will be treated as an application for a transfer-renewal for 2 years from the nearest September 30. Upon receipt of the application and fee, the Department shall transfer the certificate of number issued to such snowmobile to the new owner. Unless such application is made and fee paid within 30 days, such snowmobile shall be deemed to be without certificate of number and it shall be unlawful for any person to operate such snowmobile until the certificate is issued.

Section 603-6. Loss of Certificate. Should a certificate of number or registration expiration decal become lost, destroyed or mutilated beyond legibility, the owner of the snowmobile shall make application to the Department for the replacement of the certificate or decal, giving his name, address and the number of his snowmobile and shall at the same time pay to the Department a fee of \$1.

Section 603-7. Department Records. All records of the Department made or kept under this Article shall be public records.

Section 603-8. Certificate of Number. Every certificate of number awarded under this Act shall continue in full force and effect for approximately 2 years unless sooner terminated or discontinued in accordance with this Act. All new certificates issued will bear September 30 expiration dates in the calendar year 2 years after the issuing date.

All certificates shall be renewed for 2 years from the nearest September 30 for a fee of \$6. All certificates will be considered invalid after October 15 of the year of expiration. All certificates expiring in a given year shall be renewed between April 1 and September 30 of that year, in order to allow sufficient time for processing.

The Department shall issue "registration expiration decals" with all new certificates of number, all certificates of number transferred and all certificates of number renewed. The decals issued for each year shall be of a different and distinct color from the decals of each year currently displayed. The decals shall be affixed to each side of the cowling of the snowmobile in the manner prescribed by the rules and regulations of the Department. The Department shall fix a day and month of the year on which certificates of number due to expire shall lapse and no longer be of any force and effect unless renewed pursuant to this Act.

No number or registration expiration decal, except a sticker or number which may be required by a political subdivision or municipality of this State, other than the number awarded or the registration expiration decal issued to a snowmobile or granted reciprocity pursuant to this Act shall be painted, attached, or otherwise displayed on either side of the cowling of such snowmobile.

A dealer engaged in the manufacture, sale, or leasing of snowmobiles required to be numbered hereunder, upon application to the Department upon forms prescribed by it, may obtain certificates of number for use in the testing or demonstrating of such snowmobiles upon payment of \$6 for each registration. Certificates of number so issued may be used by the applicant in the testing or demonstrating of snowmobiles by temporary placement of the numbers assigned by such certificates on the snowmobile so tested or demonstrated. Such temporary placement of numbers shall otherwise be as prescribed by this Act.

Section 603-9. Registration List. A snowmobile registration list may be furnished for official use at no charge only to such federal, state, county and municipal enforcement agencies as may require such data.

Section 603-10. Penalty. No person shall at any time falsely alter or change in any manner the certificate of number issued under the provisions hereof, or falsify any record required by this Act, or counterfeit any form of license provided for by this Act.

Section 603-11. Exception from Numbering Provisions of this Act. A snowmobile shall not be required to be numbered under this Act if it is:

- A. Owned and used by the United States, another state, or a political subdivision thereof, but such snowmobiles shall display the name of the owner on the cowling thereof.
- B. Covered by a valid registration or license of another state, province or country which is the domicile of owner of the snowmobile and is not operated within this State on more than 30 consecutive days in any calendar year.
- C. Owned and operated on lands owned by the owner or operator or on lands to which he has a contractual right other than as a member of a club or association, provided the snowmobile is not operated elsewhere within the state.

D. Used only on international or national competition circuits in events for which written permission has been obtained by the sponsoring or sanctioning body from the governmental unit having jurisdiction over the location of any event held in this State.

ARTICLE IV

Snowmobile Equipment

Section 604-1. Equipment. All snowmobiles operating within the State of Illinois shall be equipped with:

- A. At least one white head-lamp having a minimum candlepower of sufficient intensity to exhibit a white light plainly visible from a distance of at least 500 feet ahead during hours of darkness under normal atmospheric conditions.
- B. At least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet to the rear during hours of darkness under normal atmospheric conditions.
- C. A brake system in good mechanical condition.
- D. Reflective material of a minimum area of 16 square inches mounted on each side of the cowling. Identifying numbers may be included in computing the required 16 square inch area.
- E. Adequate sound suppression equipment. No snowmobile manufactured after June 1, 1972, shall be sold or offered for sale, unless it is equipped with sound suppression devices that limit total machine noise in accordance with noise pollution standards established pursuant to the Environmental Protection Act.

Section 604-2. Inspection and Testing. The Department may adopt rules and regulations with respect to the inspection of snowmobiles and the testing of machine noise.

Section 604-3. Sale Prohibited. No person shall have for sale, sell, or offer for sale in this State any snowmobile which fails to comply with Section 4-1, or which does not comply with the specifications for such equipment required by the rules and regulations of the Department after the effective date of such rules and regulations.

Section 604-4. Racing Machines. Snowmobiles used only on international or national competition circuits in events for which written permission has been obtained by the sponsoring or sanctioning body from the governmental unit having jurisdiction over the location of any event held in this State are exempt from the provisions of this Article.

ARTICLE V

Control Provisions

Section 605-1. Operation Generally. It is unlawful for any person to drive or operate any snowmobile in the following ways:

- A. At a rate of speed too fast for conditions and the fact that the speed of the snowmobile does not exceed the applicable maximum speed limit allowed does not relieve the driver from the duty to decrease speed as may be necessary to avoid colliding with any person or vehicle or object within legal requirements and the duty of all persons to use due care.
- B. In a careless, reckless or negligent manner.
- C. While under the influence of intoxicating beverages or narcotic or dangerous drugs.
- D. At any time without at least one lighted headlamp and one lighted tail lamp on the snowmobile.
- E. Within five hundred yards of any nature preserve.
- F. On the tracks or right of way of an operating railroad.
- G. In any tree nursery or planting in a manner which damages or destroys growing stock, or creates a substantial risk thereto.
- H. On private property, without the written consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by the landowner shall promptly remove the snowmobile from the premises.
- I. An owner, lessee, or occupant of premises owes no duty to keep the premises safe for entry or use by others for snowmobiling, or to give warning of any unsafe condition or use of or structure or activity on such premises. This subsection does not apply where permission to snowmobile is given for a valuable consideration other than to this State or any political subdivision or municipality thereof.
- J. An owner, lessee or occupant of premises who gives permission to another to snowmobile upon such premises does not thereby extend any assurance that the premises are safe for such purpose, or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted. This subsection shall not apply where permission to snowmobile is given for a valuable consideration other than to this State or any political subdivision or municipality thereof.

Section 605-2. Operation on Highways. It is unlawful for any person to drive or operate any snowmobile on a highway in this State except as follows:

A. On highways other than tollways, interstate highways and limited access highways, snowmobiles may make a direct crossing provided:

- (1) The crossing is made at an angle of approximately 90 degrees to the

direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) The snowmobile is brought to a complete stop before crossing a highway; and

(3) The operator yields the right of way to all oncoming traffic which constitutes a hazard.

B. On highways other than State highways, tollways, interstate highways and limited access highways snowmobiles may be operated not less than 15 feet from the roadway and in the same direction as traffic. On such highways, the corporate authorities of a city, village or incorporated town may adopt ordinances providing for variance from the 15-foot separation requirement of this subsection within city, village or town limits. Corporate authorities of a city, village or incorporated town may adopt ordinances providing for trails and regulating snowmobile operation within city, village or town limits.

C. On highways other than State highways, tollways, interstate highways and limited access highways snowmobiles may be operated on roadways when it is necessary to cross a bridge or culvert or when it is impracticable to gain immediate access to an area adjacent to a highway where a snowmobile is to be operated.

Section 605-3. Youthful Operators. It is unlawful for any person without a valid motor vehicle driver's license to operate a snowmobile on a highway as provided in Section 5-2. No person under 10 years of age may operate a snowmobile. Persons at least 10 and less than 12 years of age may operate a snowmobile only if they are either accompanied on the snowmobile by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 and less than 16 years of age may operate a snowmobile only if there are either accompanied on the snowmobile by a parent or guardian or a person at least 16 years of age designated by a parent or guardian, or such operator is in possession of a certificate issued by the Department authorizing the holder to operate snowmobiles. Violations of this Section done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian and punishable under Article X of this Act.

The department shall establish a program of instruction on snowmobile laws, regulations, safety and related subjects. It is unlawful for any person under 16 years of age to operate a snowmobile on a public highway in this State. The program shall be conducted by instructors certified by the department. The department may procure liability insurance coverage for certified instructors for work within the scope of their duties under this section. Persons satisfactorily completing this program shall receive certification from the department. The department may charge each person who enrolls in the course an instruction fee of \$2.50. If a fee is authorized by the department, the department shall authorize instructors conducting such courses meeting standards established by it to retain \$1 of the fee to defray expenses incurred locally to operate the program. The remaining \$1.50 of the fee shall be retained by the department to defray a part of its expenses incurred to operate the safety and accident reporting program. A person over the age of 12 years but under

the age of 16 years who holds a valid certificate issued by another state or province of the Dominion of Canada need not obtain a certificate from the department if the course content of the program in such other state or province substantially meets that established by the department under this section. A certificate issued by the Department, or by another State or a province of the Dominion of Canada, shall not constitute a valid motor vehicle operator's license for the purpose of this Section.

Section 605-4. Operation on Ice. Snowmobiles may be operated on the frozen waters of this State subject to the rules and regulations of the Department.

Section 605-5. Special Events. Nothing contained in this Article shall be construed to prohibit any local authority of this State from designating a special snowmobile event. In such case the provisions of this article shall not apply to areas or highways under the jurisdiction of that local authority.

Section 605-6. Other Prohibition.

A. No person, except persons permitted by law, shall operate or ride any snowmobile with any firearm in his possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung in a carrying case.

B. No person shall operate any snowmobile emitting pollutants in accordance with standards established pursuant to the Environmental Protection Act.

C. No person shall deposit from a snowmobile on the snow, ice or ground surface, trash, glass, garbage, insoluble material, or other offensive matter.

ARTICLE VI

Accident Reports — Operator's Responsibility — Transmittal of Information

Section 606.1. Collisions, Accidents, and Casualties; Reports.

A. The operator of a snowmobile involved in a collision, accident, or other casualty, shall render to other persons affected by this collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also shall give his name, address, and identification of his snowmobile to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

B. In the case of collision, accident, or other casualty involving a snowmobile, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of \$100, shall file with the Department a full description of the collision, accident, or other casualty, including such information as the Department may, by regulation, require. Reports of such accidents must be filed with the Department on a Department Accident Report form within 5 days.

C. Reports of accidents resulting in personal injury, wherein a person is incapacitated for a period exceeding 72 hours, must be filed with the

Department on a Department Accident Report form within 5 days. Accidents which result in loss of life shall be reported to the Department on a Department form within 48 hours.

D. All required accident reports and supplemental reports are without prejudice to the individual so reporting, and are for the confidential use of the Department, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department must furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department, solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Department.

Section 606-2. Owner's and Operator's Responsibility. The owner and any operator of a snowmobile are jointly and severally liable for any injury or damage occasioned by the operation of such snowmobile.

ARTICLE VII

Local Regulation

Section 607-1. Local Ordinances. This Act and other applicable laws of this State govern the operation, equipment, numbering and all other matters relating thereto whenever any snowmobile is operated within this State; but this Act does not prevent the adoption of any ordinance or local law by any political subdivision of the State relating to the operation and equipment of snowmobiles which is not inconsistent with this Act, amendments hereto or regulations issued hereunder. Such ordinances or local laws shall be operative only so long as they continue to be not inconsistent with this Act, amendments hereto or regulations issued hereunder. However, this Act is not a limit upon any home rule unit.

ARTICLE VIII

Filing of Regulations

Section 608-1. Filing. A copy of the rules and regulations adopted pursuant to this Act, and of any amendments thereto, shall be filed in the office of the Department and in the office of the Secretary of State. Rules and regulations shall be published by the Department in a convenient form.

ARTICLE IX

Snowmobile Registration and Safety Act Revenues

Section 609-1. Special fund. All revenues received under this Act, including registration fees, fines, bond forfeitures or other income of whatsoever kind or nature shall be deposited in the State Treasury in "The State Boating Act

Fund". Appropriations of revenue received as a result of this Act from "The State Boating Act Fund" shall be made only to the Department for administering the registration of snowmobiles, snowmobile safety, snowmobile safety education and enforcement provisions of this Act or for any purpose related or connected thereto, including the construction, maintenance, and rehabilitation of snowmobile recreation areas or any other facilities for the use of snowmobiles, including plans and specifications, engineering surveys and supervision and land acquisition where necessary, and including the disbursement of funds to political subdivisions upon written application to and subsequent approval by the Department for construction, maintenance, and rehabilitation of snowmobile recreation areas or any other facilities for the use of snowmobiles, including plans and specifications, engineering surveys and supervision and land acquisition where necessary.

ARTICLE X

Penalties

Section 610-1. Any person who violates any of the provisions of this Act shall be guilty of a Class C misdemeanor.

ARTICLE XI

Partial Invalidity

Section 611-1. If any provision of this Act, or the application of such provision to any persons, body or circumstances shall be held invalid, the remainder of this Act, or the application of such provision to persons, bodies or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

ARTICLE XII

Appropriation

Section 612-1. The sum of \$100,000, or so much thereof as may be necessary, is appropriated to the Department of Conservation for the purpose of this Act.

CHAPTER 8

ENDANGERED SPECIES PROTECTION ACT

- Sec. 331. Short title.
- Sec. 332. Definitions.
- Sec. 333. Possession, sale, donation or disposition of animal or animal product unlawful.
- Sec. 334. Permit — Application — List of animals and animal products — Revocation of permit.
- Sec. 335. Limited permit.
- Sec. 336. Endangered Species Protection Board — Appointment — Terms — Meeting — Quorum — Expenses — Employment of assistants — Chairman.
- Sec. 337. Designation of additional species as endangered.
- Sec. 338. Search and seizure — Forfeiture of goods, merchandise or wildlife.
- Sec. 339. Penalties for violations.
- Sec. 340. Disposition of fines.

ENDANGERED SPECIES PROTECTION ACT

Section 331. Short title. This Act shall be known and may be cited as the "Illinois Endangered Species Protection Act".

Section 332. Definitions. As used in this Act the following words have the following meanings:

"Board" means the Endangered Species Protection Board created by this Act.

"Department" means the Department of Conservation and "Director" means the director of that Department.

"Endangered Species" means the species of animals listed in this Section plus such other species as the Board deems to be in danger of extinction. This includes but is not limited to the following species: Leopard, *Panthera pardus*; Snow Leopard, *Panthera unica*; Clouded Leopard, *Neofelis nebulosa*; Tiger, *Panthera tigris*; Cheetah, *Acinonyx jubatus*; Alligators, Caiman, Crocodiles and all other members of the Order Crocodylia, Vicuna, *Vicugna vicugna*; Red Wolf, *Canis niger*; gray wolf, *Canis lupus*; Polar Bear, *Thalarctos maritimus*; Mountain Lion, sometimes called Cougar, *Felis concolor*; Jaguar, *Panthera onca*; Ocelot, *Felis pardalis*; Margay, *Felis wiedii*; Desert Kit Fox, *Vulpes macrotis*; Kit or Swift Fox, *Vulpes velox*; Pacific Ridley Turtle or Warana, *Lepidochelys olivacea*; or Green Turtle, *Chelonia mydas*.

"Wild animal product" means the fur, hide, skin, teeth, feathers, tusks, claws or the body or any portion thereof whether in a green or raw state or as a product manufactured or refined from an animal protected under this Act or under regulations issued pursuant to this Act.

Section 333. Possession, sale, donation or disposition of animal or animal product unlawful. After January 1, 1973, it is unlawful to possess, sell, offer for sale, give or dispose of any animal or the wild animal product of any animal which is an endangered species under this Act, without a permit therefor issued by the Department.

Section 334. Permit — Application — List of animals and animal products — Revocation of permit. Upon proper application, the Department shall issue to any person, firm, association or corporation a permit which allows the possession, purchase and disposal of live animals or wild animal product of an endangered species for zoological, educational or scientific purposes only. Such permit shall be issued without fee. The holder of such permit and all applicants therefor shall submit a list of all animals and wild animal product of endangered species owned or in their possession when ordered by the Director, but no more often than annually. The Director may, upon notice and hearing revoke the permit of any holder thereof upon his failure to file the reports required by this Section or the filing of a knowingly false report or the use of any wild animal product or animal of an endangered species for any purpose other than an educational, zoological or scientific purpose.

Section 335. Limited permit. Upon proper application, the Department shall issue a limited permit to any person, firm, association or corporation which had in its possession prior to the effective date of this Act, wild animal product of an endangered species. Such permit shall specifically name and describe each wild animal product possessed by the permit holder and shall be valid only for possession of the products so named. The Department may require proof that acquisition of such wild animal product was made before the effective date of this Act. Such permit shall be valid as long as the product is in existence. The limited permit may be revoked by the Director for any violation of this Act.

Section 336. Endangered Species Protection Board — Appointment — Terms — Meeting — Quorum — Expenses — Employment of assistants — Chairman. There is created the Endangered Species Protection Board composed of 9 persons and the Director or his designee ex officio. The members of the Board shall be appointed by the Governor and shall include 3 persons who represent the fur industry (one of whom represents labor), and 6 persons who are recognized as naturalists by training, avocation or vocation. In making Board appointments, the Governor shall give consideration to recommendations of acknowledged conservation groups.

Initially, 3 members shall be appointed for terms of 3 years, 3 for 2 years and 3 for 1 year. Thereafter, the terms of all appointive members shall be 3 years. Any vacancy occurring in the position of an appointive member shall be filled by the Governor for the unexpired term.

Board meetings shall be called at such time and place as the Director designates, or upon written notice signed by at least 5 members of the Board, but in no event less than once every year. A vote of at least 5 members of the Board is necessary for Board action.

Members of the Board shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

The Board may without regard to the Personnel Code, employ and fix the compensation of necessary assistants.

The Board shall select from its membership a chairman and such other officers as it considers necessary.

Section 337. Designation of additional species as endangered. Upon a majority vote of the members present, the Board may designate additional species as endangered species, which it considers to be in practical danger of extinction in a wild or natural state. Such designation shall be made after a public hearing where all interested persons may attend and testify.

Notice of such hearing shall be published at least 7 days before the hearing in a newspaper of general circulation throughout the state and shall be given by mail to any person who has, in writing requested notice of public hearings. Any person heard or represented at a hearing or who requested notice of such hearing, shall be given written notice of any action taken by the Board.

Any species or subspecies of animal designated as endangered by the Secretary of the Interior of the United States pursuant to the Endangered

Species Preservation Act of 1966, or the Endangered Species Conservation Act of 1969, P.L., shall be designated as an endangered species under this Act by the Board without notice or public hearing.

Upon designation by the Board of a species as endangered, the Director shall file a certified copy of the names of the species so designated with the Secretary of State as provided in "An Act concerning administrative rules", approved June 14, 1951, as now and hereafter amended. The designation takes effect 30 days after such filing.

Section 338. Search and seizure — Forfeiture of goods, merchandise or wildlife. Any officer or agent authorized by the Department of Conservation, or any police officer of any municipality within the State of Illinois, may execute any warrant to search for and seize any goods, merchandise or wildlife sold or offered for sale in violation of this Section, or any property or item used in connection with a violation of this Section. Such goods, merchandise, wildlife or property shall be held pending proceedings in any court of proper jurisdiction. Upon conviction, such seized goods, merchandise or wildlife shall be forfeited and, upon forfeiture, either offered to a recognized institution for scientific or educational purposes, or destroyed.

Section 339. Penalties for violations. Any person who violates any provision of this Act shall be guilty of a Class A misdemeanor.

Section 340. Disposition of fines. All fines collected under this Act shall be paid to the State Treasurer and deposited in the Game and Fish Fund.

CONDENSED LIST OF ADMINISTRATIVE ORDERS

ARTICLE I

—Squirrel

ARTICLE II

—Deer — Shotgun Rifled Slugs & Muzzle Loading Rifles

ARTICLE III

—Deer — Bow and Arrow

ARTICLE IV

—Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit, Ground Hog, Crow, Coyote, and Raccoon, Opossum, Skunk, and Red or Gray Fox (Hunting Only)

ARTICLE V

—Trapping Season of Fur-Bearing Animals

ARTICLE VI

—Geese, Ducks and Coots

ARTICLE VII

—Rescinded

ARTICLE VIII

—Rescinded

ARTICLE IX

—Rescinded

ARTICLE X

—Utilization of Lands & Waters Managed by Department as Public Waterfowl Management Areas

ARTICLE XI

—Rescinded

ARTICLE XII

—Public Hunting Areas Operated Under Daily Permit System (Waterfowl & Pheasant)

ARTICLE XIII

—Rescinded

ARTICLE XIV

—Boat Registration and Safety Act

ARTICLE XV

—Article VIII of Boat Registration and Safety Act

ARTICLE XVI

—State-owned Lands Open to Hunting

ARTICLE XVII

—Rescinded

ARTICLE XVIII

—Rescinded

ARTICLE XIX

—Rescinded

ARTICLE XX

—Public Use of State Parks, Memorials, Conservation Areas, State Forests and all Department Managed Properties Designated as Recreational Areas

ARTICLE XXI

—Rescinded

ARTICLE XXII

—Teal

ARTICLE XXIII

—Use of Public Recreational and Fishing Areas Managed by Department

ARTICLE XXIV

—Rescinded

ARTICLE XXV

—Rescinded

ARTICLE XXVI

—Rescinded

ARTICLE XXVII

—Commercial Fishing in Waters of Lake Michigan

ARTICLE XXVIII

—Rescinded

ARTICLE XXIX

—Barkhausen Unit, Sanganois Waterfowl Management Area, Mason County, Illinois

ARTICLE XXX

—Rescinded

ARTICLE XXXI

—Rescinded

ARTICLE XXXII

—Taking Northern Pike, Muskellunge, and Northern Pike x Muskellunge Hybrid from Spring Lake, Tazewell County

ARTICLE XXXIII

—Rescinded

ARTICLE XXXIV

—Capacity Plates on Watercraft

ARTICLE XXXV

—Designation of Fish Preserves

ARTICLE XXXVI

—Rescinded

ARTICLE XXXVII

—Rescinded

ARTICLE XXXVIII

—Migratory Game Birds: Mourning Doves, Woodcock, Common Snipe, Sora and Virginia Rails

ARTICLE XXXIX

—Establishment of Fees for Overnight Tent and Trailer Camp Sites

ARTICLE XL

—Pekin Lake Conservation Area, Tazewell County; Starved Rock Pool Area, LaSalle County; Goose Lake Prairie Area, Grundy County; & Richard B. Ogilvie Area in Peoria, Tazewell and Woodford Counties

ARTICLE XLI

—Rescinded

ARTICLE XLII

—Wild Turkey Gobblers

ARTICLE XLIII

—Hook & Line Fishing in Lake Michigan

ARTICLE XLIV

—Rescinded

ARTICLE XLV

—Rescinded

ARTICLE XLVI

—Rescinded

- ARTICLE XLVII**
—Snowmobiles in State Parks, Memorials, Conservation Areas and other Department Managed Properties Designated as Recreational Areas
- ARTICLE XLVIII**
—Rescinded
- ARTICLE XLIX**
—Allocation of Blind Sites, Mermet Lake Waterfowl Area and Bluff Lake Area
- ARTICLE L**
—Baldwin Lake Fisheries and Wildlife Area
- ARTICLE LI**
—Use of Trot Line, Spring Lake, Tazewell County
- ARTICLE LII**
—Rend Lake
- ARTICLE LIII**
—Carlyle Lake
- ARTICLE LIV**
—Green River Wildlife Area
- ARTICLE LV**
—Des Plaines Wildlife Area
- ARTICLE LVI**
—Field Trails on State Land
—Trials
- ARTICLE LVII**
—Dog Training Areas
- ARTICLE LVIII**
—Migratory Waterfowl, Deer, and Wild Turkey Hunting at Oakwood Bottoms Greentree Reservoir
- ARTICLE LIX**
—Larue Scatters
- ARTICLE LX**
—Lake Shelbyville
- ARTICLE LXI**
—Rescinded
- ARTICLE LXII**
—Rescinded

ARTICLE LXIII

—Hook and Line Fishing at Carlyle Lake, Shelbyville Lake and Rend Lake

ARTICLE LXIV

—Nature Preserves

ARTICLE LXV

—Allocation of Blind Sites, Pools 12 through 26

ARTICLE LXVI

—Iroquois County Wildlife Area

ARTICLE LXVII

—Rescinded

ARTICLE LXVIII

—Rescinded

ARTICLE LXIX

—Snagging of Fish

ARTICLE LXX

—Fishing at Sam Parr Lake in Jasper County and Lake Carlton in Whiteside County

ARTICLE LXXI

—Commercial Fishing in Mississippi River, Illinois River, Wabash River, and Lake Michigan

ARTICLE LXXII

—Amendment Section 10 Forest Products Transportation Act

ARTICLE LXXIII

—Falconry

ARTICLE LXXIV

—Fish Stocking, Importation and/or Possession of Live Fish

ARTICLE LXXV

—Sangchris Lake State Park

ARTICLE LXXVI

—Taking of Waterfowl on Opening Day

ARTICLE LXXVII

—Taking of Channel Catfish from State Conservation Lakes

ARTICLE LXXVIII

—Commercial Fishing — Lake Michigan

ARTICLE LXXIX

—Taking of Lake Trout — Lake Michigan

ARTICLE LXXX

—Public Use, Hunting, and Other Management Procedures on Selected Lands Supervised by the Department of Conservation and U.S. Corps of Engineers

ARTICLE LXXXI

—DePue Lake State Wildlife Management Area

ARTICLE LXXXII

—Persons exempt from Purchasing a Hunting or Fishing License or Required To Pay 50¢ For Veterans License

CONSERVATION CODE VIOLATIONS CASH BONDS† AND PENALTIES*

†Mandatory Court Appearance. Cash Bond noted is 10% of the Bail prescribed by Article V, Rule 527 of the Supreme Court.

*Explanation of Penalties:

Class A Misdemeanor = 6 mo.-1 year and/or up to \$1,000

Class B Misdemeanor = 1-6 months and/or up to \$500

Class C Misdemeanor = 1-30 days and/or up to \$500

Petty Offense "PO" = up to \$500 unless specified by Statute

CHAPTER 8

ENDANGERED SPECIES PROTECTION ACT

All Provisions	\$35 Bond	Class A Misdemeanor
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CHAPTER 56

FISH CODE

5.1-5.6 hook and line	\$35 Bond	"PO" \$10-50
other devices	\$35 Bond	"PO" \$15-100
5.20 hook and line	\$35 Bond	"PO" \$10-50
other devices	\$35 Bond	"PO" \$15-100
All Other Provisions	\$35 Bond	"PO" up to \$500

CHAPTER 57½

FORESTRY

22-30	\$35 Bond	Class B Misdemeanor
73	\$35 Bond	Class A Misdemeanor
80	\$35 Bond	Class B Misdemeanor
211-220	\$35 Bond	Class B Misdemeanor
231-241	\$35 Bond	Class B Misdemeanor
(and Admin. Order LXII)		

CHAPTER 61

GAME CODE

2.18 (and Admin. Order VI, XXII, XXXVIII, LVIII, LIX, LXVI)	\$100 Bond†	Class B Misdemeanor
2.25 (and Admin. Order II, III, LVIII)	\$100 Bond†	Class B Misdemeanor
3.1-3.4	\$ 35 Bond	"PO" \$25-100
All Other Provisions	\$ 35 Bond	"PO" up to \$500

CHAPTER 95½

BOAT REGISTRATION AND SAFETY ACT

312-1 through 312-5	\$35 Bond	"PO" \$25-100
313-1 through 313-12	\$35 Bond	"PO" \$10-100
314-1 through 314-10	\$35 Bond	"PO" \$10-100
315-1	\$50 Bond†	Class B Misdemeanor
315-2	\$100 Bond†	Class B Misdemeanor
315-2.1 through 315-4A	\$35 Bond	"PO" \$25-100
315-4B	\$35 Bond	"PO" \$10-100
315-5 through 315-10	\$35 Bond	"PO" \$25-100
315-11A	\$200 Bond†	"PO" \$25-100
315-11B	\$35 Bond	"PO" \$25-100
316-1	\$35 Bond	"PO" \$10-100
316-2	\$35 Bond	"PO" up to \$500
316-3	\$35 Bond	"PO" \$10-100
317-1	\$35 Bond	"PO" \$25-100
317-2	\$35 Bond	"PO" \$25-100
317-7 through 317-9	\$35 Bond	"PO" \$25-100
321-5	\$50 Bond	Class B Misdemeanor
All Other Provisions	\$35 Bond	"PO" up to \$500

CHAPTER 95½

SNOWMOBILE REGISTRATION AND SAFETY ACT

605-1B	\$100 Bond†	Class C Misdemeanor
605-1C	\$200 Bond†	Class C Misdemeanor
All Other Provisions	\$35 Bond	Class C Misdemeanor

CHAPTER 105

STATE PARKS AND NATURE PRESERVES

465-468 b1 (and Admin. Order XX, XXXIX, XLVII, LXIV)	\$35 Bond	Class B Misdemeanor
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